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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, :
Plaintiff :
vs. : CIVIL ACTION
EDWARD AZRAEL, et al., : No. JH-89-2898
Defendants :

Deposition of EDGAR SMITH, taken on
Tuesday, May 21, 1991, at 10:00 a.m., at 36 South
Charles Street, Baltimore, Maryland, before Monna
J. McCormick, Notary Public.

Reported by:
Monna J. McCormick

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GM 000553

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CERTIFIED QUESTIONS

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GM 000556

1 APPEARANCES:

2 Ronald D. Byrd, Esquire,

3 On behalf of Defendant Baltimore

4 Gas & Electric Company

5 Thomas Ryan, Esquire,

6 On behalf of BFI

7 Mark E. Grummer, Esquire,

8 On behalf of Defendant General

9 Motors Corporation

10 Samuel I. Gutter, Esquire,

11 On behalf of Defendant AT&T

12 Technologies, Inc.

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STIPULATION

It is stipulated and agreed by and between counsel for the respective parties that the filing of this deposition with the Clerk of Court is hereby waived.

EDGAR SMITH,

being first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION BY MR. GRUMMER:

Q. Will you please state your full name?

A. Edgar S. Smith, Edgar Stanley Smith.

Q. Could you give us your current address?

A. 272 Nelson Mill Road, Jarrettsville.

Q. Have you ever had a deposition taken before?

A. Yes. I know what this is about.

Q. Did the deposition have anything to do with this case, with the Kane and Lombard Super Fund site?

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GM 000558

1 A. Yeah.

2 MR. RYAN: Off the record.

3 (Discussion off the record.)

4 Q. Mr. Smith, I see you are here with Mr.
5 Ryan today. I take it he's your lawyer here
6 today?

7 A. Yeah.

8 Q. Are you paying him to serve as your
9 lawyer?

10 A. No.

11 Q. Can you explain to me how it is that he
12 happens to be representing you here today?

13 MR. RYAN: I'll tell you up front that
14 I have talked to Mr. Smith and I am here for
15 Browning and Ferris Industries and we're
16 voluntarily producing Mr. Smith for you. Mr.
17 Smith isn't paying us any money.

18 Q. Mr. Smith, you formally worked for BFI?

19 A. Yeah.

20 Q. Are you currently receiving -- are you
21 currently working for BFI?

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GM 000559

1 A. No.

2 Q. Are you retired from BFI?

3 A. Yes.

4 Q. Are you receiving a pension from BFI?

5 A. Yeah.

6 Q. Are you receiving any other financial
7 support from BFI?

8 A. No.

9 Q. Could you tell me, starting with your
10 first job after you completed school, where you
11 worked?

12 A. I have worked farm work on a dairy
13 farm, I guess it was for Winfield Preston.

14 Q. Let me ask you this: What year were
15 you born?

16 A. 1928.

17 Q. After the farm, what was your next job?

18 A. Another farm. I worked farm work until
19 I went to work for Rob Tyler.

20 Q. When was that?

21 A. In '64.

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GM 000560

1 Q. What did you do when you started --
2 what was your first job responsibility at Rob
3 Tyler?

4 A. Run the bulldozer, pushing trash.

5 Q. Did you continue to do that throughout
6 the time you worked for Rob Tyler?

7 A. Yes, I did.

8 Q. So operating the bulldozer was the only
9 job that you had at Rob Tyler?

10 A. That's right.

11 Q. Who was your supervisor in that job?

12 A. George Gephardt.

13 Q. Was he your supervisor throughout the
14 period that you worked at BFI?

15 A. Part of the time; part of the time it
16 was Bob Dean, or Robert Dean.

17 Q. What year did you retire from BFI?

18 A. Was it '87?

19 MR. RYAN: That's about right.

20 A. I'm not sure, I think it was '87,
21 maybe.

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GM 000561

1 Q. I have your affidavit here and it
2 appears that you state in your affidavit that you
3 retired in 1987, is that correct as far as you can
4 recall now?

5 A. Yeah, yeah.

6 Q. You mentioned Mr. Gephardt and who was
7 the other gentleman?

8 A. Robert Dean.

9 Q. Would you spell that for the court
10 reporter?

11 A. R-o-b-e-r-t, D-e-a-n.

12 Q. Can you tell me what time periods, was
13 it first Mr. Gephardt and then Mr. Dean?

14 A. No, not offhand. It would be about
15 halfway between my retirement, about 10 years for
16 Gephardt and about 10 years for Bob Dean.

17 Q. Was Mr. Gephardt first?

18 A. Yeah.

19 Q. And then Mr. Dean?

20 A. Yes, sir.

21 Q. Can you describe for me a little bit

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GM 000562

1 more what you did at the Rob Tyler landfill?

2 A. Just pushed the trash and packed it
3 down and covered it up at nighttime. That's --

4 Q. The landfill that you worked at, was
5 that the Rob Tyler landfill at 68th Street and
6 Pulaski?

7 A. Yes, sir.

8 Q. In Baltimore?

9 A. Yes, sir.

10 Q. Was that sometimes called the Rosedale
11 landfill?

12 A. Yeah.

13 Q. Was that the most common way to refer
14 to it?

15 A. Yeah, at that time.

16 Q. People would simply call it Rosedale?
17 Would they also call it Rob Tyler?

18 A. Rob Tyler landfill, 68th Street.

19 Q. Those all mean the same thing?

20 A. It means the same thing.

21 Q. Rosedale is the same as 68th and

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GM

000563

1 Pulaski?

2 A. Right.

3 Q. You said you had pushed the trash with
4 the bulldozer?

5 A. Right.

6 Q. Can you describe for me a little more
7 how that would work? Would the trucks come in
8 with trash?

9 A. Yes, the trucks came in with trash and
10 backed up so far and dumped it and then you take
11 the bulldozer, spread it out, and pack it and run
12 it back and forth to pack it down.

13 Q. Would this dumping take place in a
14 specific area or would it take place anyplace?

15 A. No, in a specific area, at specific
16 times. Sometimes it would change from this place
17 to this place.

18 Q. And why would it change?

19 A. Well, you could go so far one way and
20 then you had to back up and come out another way.

21 Q. What would -- why would you have to

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GM 000564

1 change places?

2 A. You didn't want a landfill spread all
3 over the whole area at one time. You kept it
4 contained to a certain area until you filled out
5 as far as you could go and then you move to the
6 side of it.

7 Q. Did the landfilling process build up
8 the landfill in an orderly way?

9 A. Yeah.

10 Q. Was that why the dumping took place in
11 one area?

12 A. Yeah.

13 Q. So when you worked at the Rosedale
14 landfill, the trucks would come to where you were?

15 A. Right.

16 Q. When you worked at the Rob Tyler
17 landfill, were there other bulldozer operators
18 doing the same thing you were doing?

19 A. Just me and George Gephardt.

20 Q. Would he also be working at the same
21 time you were working?

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GM

000565

1 A. Yeah.

2 Q. Was that true all the time?

3 A. No, sometimes -- most of the time I was
4 working the landfill and he was doing something
5 else until it came time for me to quit and go home
6 and then he would come in and finish the day up.

7 Q. So at any given time there would
8 basically be one bulldozer operator at the Rob
9 Tyler landfill?

10 A. All the time.

11 Q. Would there ever be two working at the
12 same time?

13 A. Oh, yes.

14 Q. Would those be especially busy periods?

15 A. Yeah, yeah, yes.

16 Q. Could you tell me how many bulldozers
17 the Rob Tyler landfill had?

18 A. Had two. Now, they were front-end
19 loaders, I call them bulldozers, they were
20 front-end loaders, but they were the same thing as
21 a bulldozer.

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GM 000566

1 Q. And at any one time, the landfill had
2 two of these?

3 A. Yes, it did.

4 Q. Can you tell me anything about the type
5 of wastes that came into the Rob Tyler landfill?

6 A. Well, it was mostly household trash and
7 industrial trash like from department stores and
8 house-to-house trash.

9 Q. Do you ever recall -- so the waste
10 coming in included industrial wastes?

11 A. Yeah.

12 Q. Do you ever recall drums coming in?

13 A. Oh, yes.

14 Q. Was that a frequent occurrence?

15 MR. RYAN: Maybe you can be a little
16 more specific for him.

17 Q. Would you see drums every day?

18 A. Some drums every day.

19 Q. If I could, if you can, I would like
20 you to give me some idea of how much trash came
21 into the Rob Tyler landfill. Could you tell me

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GM 000567

1 how many trucks a day would come in?

2 A. I would roughly say 75, 80 trucks a
3 day.

4 Q. I take it you would know that because
5 they would have to come to where you were to dump?

6 A. Yeah.

7 Q. Do you know how many trucks Rob Tyler
8 owned? Let me qualify that by saying that
9 worked -- how many trucks came to the Rosedale
10 landfill?

11 MR. RYAN: How many of the 75 or 80
12 came a day that Rob Tyler owned?

13 MR. GRUMMER: No, let me ask that
14 question.

15 Q. Of the 75 or 80 day that you mentioned
16 a moment ago, how many of those would be Rob Tyler
17 drivers?

18 MR. RYAN: If you know.

19 A. At one point a day, they all came to
20 the landfill. Some of them came two and three
21 times a day. That's the best I can say.

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GM 000568

1 Q. When you say they all came, all who?

2 A. All the Rob Tyler trucks.

3 Q. Do you know how many trucks Rob Tyler
4 owned that would come to the Rosedale landfill?

5 MR. RYAN: Any particular time period
6 or talking generally '64 through '87?

7 MR. GRUMMER: I'm talking in general
8 and maybe if it changed, maybe you can tell us
9 that, too.

10 Q. Let me ask you this: Did Rob Tyler
11 have trucks that were stationed at the Rosedale
12 landfill?

13 A. Yes, all of his trucks that he had was
14 there at the Rosedale landfill.

15 Q. Do you know how many, approximately,
16 how many trucks there were? Was it more than 10?

17 A. Oh, yeah, yeah, he had -- I would say
18 he had about 50 or 60. Now, I'm not sure on that,
19 because he had a lot of trucks.

20 Q. Since you worked there for a long time,
21 the period that we're most interested in is the

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GM 000569

1 1960s, especially the late 1960s, I figure that
2 you gave 50 or 60, would that figure be correct
3 for the late 1960s?

4 A. Yeah.

5 Q. Now, I take it that there were other
6 landfills besides the Rosedale landfill that those
7 trucks went to, is that correct?

8 A. Yes.

9 Q. A moment ago we asked of the 75 or 80
10 trucks that you remembered coming into the
11 Rosedale landfill, can you tell us anything about
12 how many of those might have been Rob Tyler's
13 trucks? Were they all Rob Tyler's trucks?

14 A. I would say half were Rob Tyler trucks.

15 Q. The other trucks, whose were they?

16 A. Well, they belong to Modern Trash
17 Company and Bohager. And then we had outside
18 pick-ups that came in, too.

19 Q. When you say outside pick-ups, whose
20 were those?

21 A. Well, for instance, like myself, I had

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GM 000570

1 a little trash to throw away, if I had trash to
2 throw away, and a truck didn't come by the house
3 to pick it up, they hauled it in there themselves.

4 Q. How many of those would there be out of
5 80?

6 A. You mean other trucks?

7 Q. Yes, other than Rob Tyler, Modern and
8 Bohager.

9 A. I wouldn't have any idea. Sometimes
10 there would be a lot of them and sometimes just a
11 few.

12 Q. Were most of the trucks --

13 A. I'm speaking of pickup trucks. I
14 called them outside trucks, now.

15 Q. When you mentioned 75 or 80, did that
16 include those outside trucks?

17 A. No.

18 Q. So the 75 or 80 meant Rob Tyler's
19 trucks, Bohager's and Modern's?

20 A. Right.

21 Q. And those would add up to around 80?

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GM 000571

1 A. Yes, sir.

2 Q. And Rob Tyler's would be about half?

3 A. Right.

4 Q. How often would one driver come to the
5 Rosedale landfill in a given day?

6 MR. RYAN: You mean Rob Tyler drivers?

7 Q. Yes, a Rob Tyler driver, would he come
8 more than once?

9 A. Maybe three times.

10 Q. Can you tell me how many drivers Rob
11 Tyler had working at any one time?

12 A. No, I can't.

13 Q. Do you think it would be more than 10?

14 A. Oh, yes, a lot more than 10.

15 Q. Would there be as many drivers as there
16 would be trucks?

17 A. Yes.

18 Q. Did you know Fritz Sauer?

19 A. Yes, I did.

20 Q. Can you tell me how you knew him?

21 A. He was just a man that used to dump

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GM 000572

1 some trash there and I got to know him from coming
2 in and out off the landfill.

3 Q. Where would he dump the trash?

4 A. At 68th Street sometimes and sometimes
5 he'd dump it on his own fill.

6 Q. So Fred Sauer, Fritz Sauer, would dump
7 at the Rob Tyler landfill sometimes?

8 A. Yes.

9 Q. Did you know him personally?

10 A. Yeah.

11 Q. Did you know him from seeing him at the
12 landfills?

13 A. Yeah.

14 Q. You mentioned he had his own landfill?

15 A. Yes, he did.

16 Q. I take it that at one point in time,
17 you went to work at Sauer's landfill?

18 A. For Rob Tyler.

19 Q. For Rob Tyler.

20 A. Yeah.

21 Q. Before that, did you know that Fritz

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GM 000573

1 Sauer had a landfill?

2 A. Yeah.

3 Q. What did you know about his landfill
4 before you went to work there?

5 A. It was just a landfill where he dumped
6 most of his own trash at. He had -- well, at that
7 time there were some of Modern's trucks that would
8 dump in there at the same time, some came over to
9 Rob Tyler's.

10 Q. You said Modern trucks would dump at
11 Sauer's dump?

12 A. Yeah.

13 Q. What did you call Sauer's dump, what
14 name did people used to refer to it?

15 A. I think it was Kane Street.

16 Q. Is that how you would refer to it at
17 that time?

18 A. No, I would just said Sauer's dump.
19 That's all.

20 Q. So Sauer's dump was the name that you
21 used for it?

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GM 000574

1 A. Uh-huh.

2 Q. And other people would call it Sauer's
3 dump as well?

4 A. Yeah.

5 Q. You said that Sauer would dump most of
6 his own customers' trash there?

7 A. Yeah.

8 Q. Besides Sauer's and Modern, did you
9 know of anyone else dumping there?

10 A. Yeah, Bohager used to dump in there,
11 too.

12 Q. How do you know that?

13 A. From his trucks and when I worked over
14 there I seen Bohager trucks in there.

15 Q. Before you went to work there, did you
16 know about Bohager dumping at Sauer's dump?

17 A. Yes, yeah.

18 Q. And before you went to work there, how
19 did you learn of that?

20 A. From talking to the drivers.

21 Q. Whose drivers?

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GM 000575

1 A. Bohager's.

2 Q. Bohager's drivers would tell you that
3 they dumped at Sauer's dump?

4 A. Yes.

5 Q. Can you remember any specific drivers
6 that would tell you that?

7 A. One guy I think his name was Ham. I'm
8 not sure what his other name was. I just knew his
9 first name.

10 Q. Was that his first name?

11 A. (Nodding head indicating yes.)

12 Q. Could you spell it for us?

13 A. Just H-a-m, I guess.

14 Q. And he was a Bohager employee?

15 A. Yeah.

16 Q. And Ham would tell you that he had
17 dumped at the Sauer landfill?

18 A. Yeah, yeah.

19 Q. Can you tell us anything about when
20 this might have taken place?

21 A. Not especially.

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GM 000576

1 Q. But it was -- was this before you went
2 to the Sauer landfill?

3 A. Yeah. They would take whichever
4 landfill they was the closest at, they would go in
5 there.

6 Q. These are the Bohager's drivers?

7 A. Yeah, especially if it was close to
8 quitting time, if they were close to Fritz's dump,
9 they would shoot in there and dump their load. If
10 they were closer to Rob Tyler's they would run in
11 there.

12 Q. And that was true of the Bohager
13 drivers?

14 A. Yeah.

15 Q. They would tell you that they would do
16 that?

17 A. Yeah, yeah.

18 Q. Were there other drivers besides Ham
19 who did that?

20 A. They were, but I don't know their
21 names.

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GM 000577

1 Q. What kind of -- it wasn't -- the factor
2 that determined which dump they went to was which
3 they were closest too?

4 A. Yeah.

5 Q. And it depends on what type of waste
6 they were hauling?

7 A. No.

8 Q. What kind of trash or waste did Bohager
9 haul, as far as you saw?

10 A. The same trash as Rob Tyler hauled.

11 Q. Was there ever drums in the Bohager
12 trash?

13 A. None that I seen.

14 Q. Did they haul industrial -- did Bohager
15 haul industrial trash?

16 A. Yeah.

17 MR. RYAN: Would you explain what you
18 mean by industrial? I think he might be confused
19 by commercial.

20 Q. Could you describe to us in your own
21 terms as best you can what --

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GM 000578

1 A. He picked up from department stores and
2 house-to-house trash like Rob Tyler did.

3 Q. Before you went to Sauer's, what else
4 did you know about his operation? Did Sauer have
5 his own drivers?

6 A. Yeah.

7 Q. Did you know any of them?

8 A. Yeah.

9 Q. Can you tell us any of their names?

10 A. Mike Cefaloni, John -- I can't think of
11 his last name now, and then Luke Sauers would
12 drive trucks, too. And also Fritz, he would go
13 pick up a load once in a while.

14 Q. You have named four people, some of
15 whom drove only sometimes, does that sound
16 correct?

17 A. Yes.

18 Q. It sounds like he didn't have as many
19 drivers as Rob Tyler?

20 A. Oh, no, no.

21 Q. Was his operation much smaller than Rob

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GM 000579

1 Tyler's?

2 A. Yes, it was.

3 Q. Of the four people that you mentioned,
4 which, if any, of them, drove full time?

5 MR. RYAN: If you know.

6 A. Is it all right?

7 MR. RYAN: Sure, if you know.

8 A. John and Mike Cefaloni, they drove all
9 the time.

10 Q. They were full-time drivers?

11 A. Yes.

12 Q. You also mentioned Luke Sauer and Fritz
13 Sauer, they did not drive full time?

14 A. They were brothers. And Luke drove --
15 I guess you could say Luke was a full-time driver
16 because he had a younger brother that was named
17 Edwin, he was killed -- he drowned in a boating
18 accident and then Luke took over pushing the
19 landfill.

20 Q. Luke took over doing what?

21 A. Pushing the landfill at Sauer's Dump.

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GM 000580

1 Q. Did you say pushing the landfill?

2 A. Yes.

3 Q. What do you mean by that?

4 A. I mean like I done.

5 Q. Luke took over from Edwin doing that?

6 A. Yeah.

7 Q. So at one point, Edwin was driving a
8 bulldozer --

9 A. Yeah.

10 Q. -- at the Sauer landfill?

11 A. Yes.

12 Q. And later Luke Sauer took over that
13 job?

14 A. Yeah.

15 Q. So Luke -- so Sauer had two full-time
16 drivers compared to 50 or so at Rob Tyler's, is
17 that correct?

18 A. Yeah, that's correct.

19 Q. Do you know how many trucks Sauer had?

20 A. He only had like four trucks. He was
21 small.

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GM

000581

1 Q. So Fritz Sauer had four trucks compared
2 to around 50 for Rob Tyler?

3 A. Yeah.

4 Q. Rob Tyler had 50 trucks, but not all of
5 the waste went to the Rosedale landfill, is that
6 correct?

7 A. Yeah.

8 Q. Can you give us some sense of what
9 share of the waste went to the Rosedale landfill
10 as opposed to some other Rob Tyler landfill?

11 MR. RYAN: Talking about shortly before
12 it closed, I assume?

13 MR. GRUMMER: Yes.

14 MR. RYAN: If you know the answer.

15 A. I don't know what percentage went to
16 where, but --

17 Q. So some of the waste went to Rosedale
18 and others went to other Rob Tyler's landfills?

19 A. Yes.

20 Q. Would half have gone to Rosedale, more
21 than half, less than half?

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GM 000582

1 A. I would say at least half.

2 Q. At least half of the waste dumped by
3 Rob Tyler's drivers went to Rosedale?

4 A. Right.

5 Q. Just to put some very rough figures on
6 it, it sounds like Tyler's operation at Rosedale
7 was five or 10 times bigger than Sauer's
8 operation, do you have any sense if that's
9 correct?

10 A. Definitely, yeah.

11 Q. Could you give any estimate of how much
12 bigger or how many times bigger the Rosedale
13 operation was than Sauer's?

14 MR. RYAN: It's calling on him to
15 speculate.

16 Q. Can you give us some sense?

17 A. I would say Sauer had four trucks, and
18 Mr. Tyler had maybe 50 trucks or better.

19 Q. That would help explain the difference
20 in size of the two landfills?

21 A. Yes.

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GM 000583

1 Q. Were there any business arrangements
2 between Rob Tyler and Sauer landfill before you
3 went there?

4 A. That I don't know, other than just that
5 they were friends and if one needed a place to
6 dump, the other one helped him out.

7 Q. So Rob Tyler would sometimes dump at
8 Sauer's?

9 A. Yeah.

10 Q. Would Rob Tyler drivers dump at
11 Sauer's?

12 A. Once in a while.

13 Q. Can you give us any idea how often that
14 happened?

15 A. No, because -- maybe a load a week or
16 something.

17 Q. Each driver?

18 A. No, maybe one driver.

19 Q. So one load from a Rob Tyler driver per
20 week might go to Sauer's landfill?

21 A. Right.

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GM 000584

1 Q. What would cause that to happen?

2 A. I don't know. A driver would just go
3 in there and dump it. I mean --

4 Q. Would it be the same reason as for the
5 Bohager's drivers, that it was closer?

6 A. Could have been, yeah.

7 Q. How would you know that that would
8 happen? How would you know that the Rob Tyler
9 driver might go to Sauer's Dump?

10 A. He would tell me or something.

11 Q. They would -- a Rob Tyler driver would
12 tell you that he had gone to Sauer's?

13 A. Yeah.

14 Q. Can you remember any specific drivers
15 who told you that?

16 A. No.

17 Q. That would not depend on what kind of
18 trash they were hauling?

19 A. Well, it would be just like from Two
20 Guy's store or something like that.

21 Q. I take it it wasn't the type of load

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GM 000585

1 they had that would cause them to go to Sauer's?

2 A. No.

3 Q. You would -- it would instead be
4 something like that Sauer's was closer?

5 A. Right.

6 Q. Do you know if Sauer's drivers ever
7 hauled trash from Rob Tyler's customers?

8 A. No.

9 Q. Do you know if Michael Cefaloni, for
10 instance, would ever haul trash from a Rob Tyler
11 customer?

12 A. No.

13 Q. Michael Cefaloni has testified that he
14 did do that.

15 A. Well, he might have. I mean, I
16 wouldn't know. I wouldn't know where he was going
17 to get trash.

18 Q. So it's possible he was doing that, but
19 you didn't know about it?

20 A. Right, it's possible.

21 Q. Did you know Michael Cefaloni?

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GM 000586

1 A. Yes, I did.

2 Q. How well did you know him?

3 A. I knew him very well.

4 Q. From seeing him at the dump?

5 A. Yeah, from seeing him at the dump, I've
6 been over to his house.

7 Q. Did he ever discuss his work with you?

8 A. No.

9 Q. Can you tell us when you first met him?

10 A. I guess when I first went to work for
11 Rob Tyler.

12 Q. When was the last time you talked to
13 him?

14 A. Oh, goodness, that's been six, seven
15 years ago, I guess.

16 Q. Did Michael Cefaloni dump at Rob
17 Tyler's dump?

18 A. Yes, he did.

19 Q. How often did he do that?

20 A. About once a day they would bring a
21 load in there.

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GM 000587

1 Q. So you would see him dumping at Sauer's
2 once a day on average?

3 A. Yeah.

4 Q. Did you see other Sauer drivers dumping
5 at Rob Tyler's dump?

6 A. Yeah, yeah.

7 Q. Were they the same ones you mentioned
8 earlier?

9 A. Yes.

10 Q. John Miller?

11 A. And Mike.

12 Q. Mike Cefaloni?

13 A. Cefaloni, yeah.

14 Q. And Fritz Sauer and Luke Sauer?

15 A. Yeah, yeah, they all dumped in there at
16 different times.

17 Q. A moment ago I mentioned Miller. Who
18 was Miller?

19 A. I don't know who Miller is.

20 Q. So you don't remember a person named
21 Miller?

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GM 000588

1 A. No. I don't know if that was John's
2 name or not. I should remember his name, but I
3 don't.

4 Q. So you remember a John?

5 A. Yeah, and I know him, I know him, but I
6 can't think of it.

7 Q. Was the John that you remember a Sauer
8 employee?

9 A. Yes, he was.

10 Q. And you recall him dumping at Rob
11 Tyler's dump?

12 A. Yes.

13 Q. So it sounds like Sauer drivers would
14 dump at Rob Tyler and Tyler drivers would dump at
15 Sauer's, is that correct?

16 A. Yeah.

17 Q. And Tyler knew that was happening and
18 Sauer knew what was happening?

19 A. (Nodding head indicating yes.)

20 Q. And they had an arrangement that that
21 was all right?

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GM

000589

1 A. Yeah.

2 Q. They had an understanding that each
3 could dump at the other's landfill?

4 MR. RYAN: If you know what the
5 arrangement was between them.

6 A. I don't know what the arrangement was
7 between them, but I know the drivers would do that
8 occasionally.

9 Q. And as far as you know, Fritz Sauer
10 knew that was happening and Rob Tyler knew that
11 was happening?

12 A. Yeah.

13 Q. And neither objected to it?

14 A. No.

15 Q. Did it benefit each of them to have
16 that arrangement?

17 A. Yes, it did.

18 Q. In what way?

19 A. I don't know what way it would benefit
20 them, but I don't know if Sauer's would dump on
21 Rob Tyler without a charge or if Tyler would dump

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GM 000590

1 up on him without a charge, I don't know if that
2 was the agreement or not. I don't really know how
3 it really benefited them.

4 Q. You don't know if they charged each
5 other for dumping at each other's landfill?

6 A. No, I don't.

7 Q. How long was that arrangement in
8 effect? Was that arrangement in effect when you
9 started work?

10 A. Yes, as far as I know it was.

11 Q. Did it continue in effect throughout
12 the time that you worked for Rob Tyler?

13 A. Yes.

14 Q. I take it until Sauer's Dump closed?

15 A. Right.

16 Q. But I take it you are not familiar with
17 situations, of any situation, where a Sauer driver
18 would haul waste from a Tyler customer?

19 A. No.

20 Q. Would you be surprised if that had been
21 happening?

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GM 000591

1 A. No.

2 Q. So if I tell you that Mike Cefaloni
3 testified that he did do that, you don't have any
4 reason to believe he was incorrect?

5 A. No, sir, because -- I mean --

6 Q. You are simply saying you don't know
7 what he was doing?

8 A. Right. I mean --

9 Q. Do you know if Rob Tyler and Fritz
10 Sauer would speak to each other?

11 A. Yes.

12 Q. Why would they speak to each other?

13 A. I don't really know. I mean, I know
14 they were friends, but I don't know.

15 Q. Did you ever see them talking to each
16 other?

17 A. Yeah.

18 Q. Where?

19 A. Over at their office.

20 Q. At whose office?

21 A. Rob Tyler's office.

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GM 000592

1 Q. So you would see Fred Sauer, Fritz
2 Sauer, in Rob Tyler's office?

3 A. Yeah.

4 Q. Talking to Rob Tyler?

5 A. (Nodding head in the affirmative.)

6 Q. Were you ever present when they were
7 talking to each other?

8 A. No.

9 Q. You would see them from outside?

10 A. (Nodding head indicating yes.)

11 Q. Did you know Allie Tyler?

12 A. Yes.

13 Q. What was his job, say, right before you
14 went to Sauer's landfill?

15 A. I'm not sure what his job was. I
16 presume that he was next to his father; I don't
17 know.

18 Q. Did he seem to be involved in the
19 management of Rosedale landfill?

20 A. Yes, he was.

21 Q. Was he one of the bosses?

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GM 000593

1 A. Yeah.

2 Q. Do you know if he ever spoke to Fritz
3 Sauer?

4 A. Oh, yeah, yes, he did.

5 Q. Do you know if he spoke to Fritz Sauer
6 often?

7 A. I don't know how often, but --

8 Q. Did you see them speaking to each
9 other?

10 A. Yeah.

11 Q. Where would that have taken place?

12 A. It could be anyplace around the office
13 there, out in the yard or in the shop or anywhere.

14 Q. Do you know if either Rob Tyler or
15 Allie Tyler ever went over to Fritz Sauer's
16 landfill?

17 A. I can't say for sure, but -- yes, Allie
18 Tyler was over there when I was working over
19 there, he'd come over.

20 Q. Before you went to work for Rob Tyler
21 at Sauer's landfill, did you ever go to Sauer's

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GM 000594

1 landfill?

2 A. Yeah, I was over there.

3 Q. Why would you go there?

4 A. Just to see Mike or Fritz or somebody.

5 Q. For social reasons?

6 A. Yeah.

7 Q. Would you ever go to Sauer's landfill
8 for any work-related purpose?

9 A. No.

10 Q. So I take it you never drove a truck
11 over there?

12 A. Oh, no.

13 Q. Or never worked there prior to the time
14 described in your affidavit?

15 A. That's right.

16 Q. So the first time you ever went to
17 Sauer's landfill for a work reason was the time
18 described in your affidavit?

19 A. Yes, sir.

20 Q. Before you went to work there, can you
21 give me any idea how often you would be at the

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GM 000595

1 Sauer landfill? Would it be once a week?

2 A. No, maybe once during the time I worked
3 there.

4 Q. Just once?

5 A. Yeah, I bought a car off of Fritz or
6 Guinea, one.

7 Q. So you only went to the Sauer landfill
8 one time before you went to work there?

9 A. Uh-huh.

10 Q. And that was to buy a car?

11 A. Yeah.

12 Q. On that occasion, did you see the
13 landfill in operation?

14 A. No, that would be after working hours.

15 Q. I take it you didn't see much of the
16 landfill on that one visit?

17 A. No.

18 Q. I take it from our previous discussion
19 about Bohager, that you are fairly certain that
20 Bohager dumped at Sauer's Dump before you went to
21 work there?

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GM 000596

1 A. Yeah.

2 Q. And I take it you also saw Bohager
3 dumping at the Sauer Dump while you worked there?

4 A. Yes.

5 Q. And you are fairly certain about that?

6 A. Yes.

7 Q. In the last three years, I'd like to
8 ask you who you have talked to about the Sauer
9 landfill.

10 A. In the last three years?

11 Q. Yes. Can you recall, or some period of
12 time about three years, has anyone -- can you try
13 and tell me anyone who's talked to you about the
14 Sauer landfill? For instance, has the government
15 talked to you about the Sauer landfill?

16 A. No.

17 Q. Has anyone from EPA talked to you?

18 A. No.

19 Q. Can you recall in the last three years
20 who the first person was to talk to you about the
21 Sauer landfill?

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GM 000597

1 A. Yes.

2 Q. And who would that be?

3 MR. RYAN: You can give the name.

4 A. Gwen Walsh.

5 Q. Can you tell me who Gwen Walsh is?

6 A. She's a lawyer from BFI.

7 MR. RYAN: Project manager.

8 A. Project manager, I don't know what her
9 title is, but she was the first one I talked to.

10 Q. Can you remember when that was,
11 approximately?

12 A. Three years ago, was that --

13 MR. RYAN: Whatever your best
14 recollection is.

15 A. I think it was about three years ago.

16 Q. Can you tell me what she said?

17 MR. RYAN: I'm going to tell the
18 witness we're not going to get into conversations
19 that Gwen Walsh or Bill Beck or I had with Mr.
20 Smith. Gwen was acting pursuant to instructions
21 from counsel when she talked to Mr. Smith and

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GM 000598

1 we're going to take the position those
2 conversations are privileged.

3 MR. GRUMMER: Are you going to instruct
4 Mr. Smith not to answer questions about those
5 conversations?

6 MR. RYAN: Yeah. We can go off the
7 record for a second.

8 MR. GRUMMER: Was the answer to that
9 question, yes?

10 MR. RYAN: Yes. Off the record.

11 (Discussion off the record.)

12 Q. For the record, I take it Gwen Walsh is
13 not an attorney?

14 MR. RYAN: If you know.

15 A. I don't know.

16 Q. Did she talk to you one time or several
17 times?

18 A. One time.

19 Q. And that was about three years ago?

20 A. I think so, yeah.

21 Q. Did you look at any documents or give

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GM 000599

1 her any documents at that time? Did she show you
2 any documents?

3 A. The aerial photos, that's all.

4 Q. The time three years ago when you spoke
5 to her, she showed you an aerial photo?

6 A. Yeah, yeah.

7 Q. Did she show you any other documents?

8 A. No, sir.

9 Q. Did you show Gwen Walsh any documents?

10 A. No, sir.

11 Q. I take it Gwen Walsh had the aerial
12 photo and kept the aerial photo?

13 A. I guess.

14 Q. I take it she didn't give it to you?

15 A. No, sir.

16 Q. After that conversation, can you tell
17 me when the next time was that you spoke to anyone
18 about the Sauer Dump?

19 A. It was about a year later.

20 Q. And can you tell me who you spoke to on
21 that occasion?

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GM 000600

1 MR. RYAN: You can identify names.

2 A. Bill Beck.

3 Q. Can you tell me about how long ago that
4 might have been? Would it have been a year ago or
5 more than a year?

6 A. About a year ago, yeah.

7 MR. RYAN: About the time the affidavit
8 was signed?

9 A. Yes, when this affidavit was signed.

10 Q. So first you talked to Gwen Walsh and
11 Bill Beck about a year ago; have you talked to
12 anyone else about the Sauer Dump --

13 A. No, I haven't.

14 Q. -- in the last three years. I take it
15 you talked to Mr. Ryan recently?

16 A. Yes, I did.

17 Q. Did you ever talk to a man named Robert
18 Gulley?

19 A. No.

20 Q. And I take it you have never spoken to
21 anyone from General Motors, from AT&T, from

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GM 000601

1 Baltimore Gas & Electric?

2 A. No, sir.

3 Q. I see you have a copy of your affidavit
4 in front of you. Can you tell me how that
5 affidavit was prepared?

6 MR. RYAN: I'll say for the record how
7 it was prepared. Mr. Smith talked with
8 representatives from BFI, including lawyers, and
9 based on those conversations the affidavit was
10 prepared. Mr. Smith did not himself write out the
11 affidavit, but it was based on conversations Mr.
12 Smith had with attorneys for BFI.

13 Q. Mr. Smith, is what Mr. Ryan said
14 correct?

15 A. Yes, it is.

16 Q. So I take it you did not write out the
17 affidavit yourself?

18 A. No, sir.

19 Q. I take it you had discussions with Mr.
20 Beck and later he came back and showed you the
21 affidavit and then you signed it, is that correct?

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GM 000602

1 A. Yes.

2 Q. When he brought it to you, did you make
3 any changes?

4 A. No, not as I remember.

5 Q. You signed it the way he brought it to
6 you without making any changes?

7 A. Yes, sir.

8 Q. So the first time he showed it to you,
9 did you sign it?

10 MR. RYAN: Did you have a chance to
11 read it?

12 A. Yes, I read it. He sent it to me and I
13 read it and signed it and sent it back.

14 Q. Did you ever give Mr. Beck any written
15 notes of your own or did you simply have
16 conversations with him?

17 A. No, sir, just conversations with him.

18 Q. Did you keep any notes of those
19 conversations?

20 A. No.

21 Q. In short it was Mr. Beck and not you

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GM

000603

1 who actually wrote out the affidavit?

2 A. Yes, it was.

3 Q. In the last three years, have you been
4 to the Sauer's Dump or the area that used to be
5 the Sauer's Dump?

6 A. Yes.

7 Q. Can you tell me how many times?

8 A. One time.

9 Q. And when was that?

10 A. It was Gwen Walsh.

11 Q. Would that have been about three years
12 ago?

13 A. Yeah.

14 Q. So you did not go to the landfill with
15 Mr. Beck?

16 A. No, I didn't.

17 Q. You did go to the landfill with Gwen
18 Walsh?

19 A. Yeah.

20 Q. Can you tell me what you did when you
21 went to the landfill with Gwen Walsh?

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GM 000604

1 A. Yes, I showed her where Rob Tyler
2 dumped his trash at.

3 Q. I'd like to ask you a little bit more
4 about that visit. Did you go there in your car or
5 Gwen Walsh's car?

6 A. No, my son took us up there.

7 Q. Where did you park?

8 A. We drove into the Picorp, was that the
9 name of it? And then we got out and walked around
10 and I showed her where I dumped the Rob Tyler
11 trash at.

12 Q. Did you take any pictures on that
13 occasion?

14 A. I don't think so.

15 Q. Can you tell me how long you spent on
16 that visit?

17 A. You mean at the landfill?

18 Q. Yes.

19 A. Approximately, an hour, half an hour.

20 Q. Did Gwen Walsh take any pictures?

21 A. I don't remember.

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GM 000605

1 Q. Was anyone with you besides Gwen Walsh?

2 A. My son.

3 Q. Your son. What is his name?

4 A. David Smith.

5 Q. Did he ever work for Rob Tyler or --

6 A. He works for Rob Tyler now.

7 Q. Do you know if he ever went to the
8 Sauer landfill when the Sauer landfill was in
9 operation?

10 A. No, it was out of operation when he
11 went to work for BFI.

12 Q. Did you walk around when you went to
13 the Picorp?

14 A. Yeah, we walked over and I tried to
15 show Gwen Walsh approximately where Rob Tyler
16 dumped his trash at.

17 Q. Did you cross any streets --

18 A. No.

19 Q. -- as you walked around?

20 A. (Shaking head indicating no.)

21 Q. Did you basically stay in the Picorp

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GM 000606

1 parking lot?

2 A. In that area.

3 Q. Can you describe the area that you
4 stayed in a little bit more?

5 A. In the Picorp area.

6 Q. I take it that Picorp is a business
7 that's there now and you stayed there, on their
8 lot?

9 A. Yeah.

10 Q. Did you see any other -- I take it the
11 area looks quite different than it did at the time
12 of Sauer's Dump?

13 A. Oh, yes, it does.

14 Q. Are there any streets there that were
15 not there when Sauer's Dump was in operation?

16 A. Yeah, that Bayview Street wasn't there
17 when Sauer's Dump was in operation.

18 Q. The street you are referring to, is it
19 called Bayview now or is it called something else?

20 A. I don't know.

21 MR. RYAN: Mr. Smith refers to what is

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GM

000607

1 now Lombard as Bayview.

2 Q. Do you know where Lombard Street is?

3 A. Yes.

4 Q. Is Lombard Street the same street or
5 the same area or street that you are referring to
6 as Bayview?

7 A. Yeah. I hope it is, anyhow.

8 Q. Are you not certain?

9 A. I'm certain it is, because the name of
10 it was changed when I went in there with Gwen
11 Walsh. It was Bayview when we drove down and went
12 into Picorp.

13 Q. There was a Bayview Street there when
14 you went there with Gwen Walsh?

15 A. Yeah.

16 Q. Does that street now have a different
17 name?

18 A. I think it does. I'm not sure. I
19 think they changed the name.

20 Q. Do you know where Lombard Street is
21 now? Is that the street you are referring to as

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GM 000608

1 Bayview now called Lombard?

2 A. Yes.

3 Q. But it was called Bayview when you went
4 there with Gwen Walsh?

5 A. (Nodding head indicating yes.)

6 Q. You said a moment ago that the area
7 looks different now than when it was Sauer's
8 landfill. Do you recall any landmarks or
9 identifying features that are still there from
10 when Sauer's was in operation?

11 A. Well, yes, like I can see where the old
12 river used to be at when the dump was in operation
13 there.

14 Q. Are there railroad tracks still there?

15 A. Yeah.

16 Q. Same railroad tracks that were there
17 when you worked at Sauer's?

18 A. Yes, they changed the railroad and
19 moved it in on the landfill some. The railroad
20 was like setting back this way and then they moved
21 it in after the landfill closed.

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GM 000609

1 Q. Do you know which directions are north
2 and south at the Sauer landfill?

3 A. Yeah.

4 Q. Which direction did they move the
5 railroad tracks?

6 A. They moved it south.

7 Q. So now there are railroad tracks
8 farther south than there were when Sauer's Dump
9 was in operation?

10 A. Yeah.

11 Q. Do you have any idea how much further
12 south? Would it be 100 feet or half a mile?

13 A. Yeah, about 100 feet.

14 Q. Mr. Smith, I'm going to make some
15 references to your affidavit here. I'm now
16 looking at paragraph four of your affidavit and it
17 mentions your working at Norris Farms. Do you see
18 that?

19 A. Yeah.

20 Q. It says you worked at Norris Farms
21 before it opened. Do you see that?

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GM

000610

1 A. Yeah.

2 Q. What did you do there?

3 A. We was more or less preparing the place
4 for the dumping trash.

5 Q. Were you doing that before you went to
6 Sauer's?

7 A. No. Yes, yes, it was, too, yeah, I
8 worked down there some before I went up to
9 Sauer's.

10 Q. So the preparation work at Norris Farms
11 was something that you did before you went to
12 Sauer's?

13 A. (Nodding head indicating yes), before
14 68th Street closed down.

15 Q. Did you spend full days at Norris
16 Farms?

17 A. Yeah, just days.

18 Q. When you did that, who handled the
19 bulldozer back at Rosedale?

20 A. George Gephardt would.

21 Q. That preparation work at Norris Farms,

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JM 000611

1 do you know if that -- can you tell me how long
2 that took, did it take weeks, days or months?

3 A. No, just days at a time, like maybe a
4 day a week or something.

5 Q. Do you remember when Rosedale closed?
6 Do you remember when that happened, the date?

7 A. No, I don't.

8 Q. Do you remember the time of year, do
9 you remember if it was spring, summer, fall?

10 A. I think it was in the spring.

11 Q. I take it there was a period of time
12 between Rosedale closing and Norris Farms opening?

13 A. Yeah.

14 Q. And during that period, Rob Tyler did
15 not have a landfill in that part of Baltimore that
16 was opened, is that correct?

17 A. That's correct.

18 Q. Can you tell me anything about how long
19 that period of time was?

20 A. Three or four months, I guess, I'm not
21 sure.

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GM 000612

1 Q. During that time, where did the Rob
2 Tyler drivers go?

3 A. Well, Fritz Sauer's.

4 Q. They went to Sauer's landfill?

5 A. Yes.

6 Q. Did all of them go there?

7 A. Yes. Well, some went there and some
8 still dumped at -- no, he did have a dump open,
9 too, in Baltimore County, over at Quarantine.
10 Some dumped at Quarantine, a lot of them dumped at
11 Quarantine and some of them dumped at Sauer's.

12 Q. The waste that went to Rosedale when
13 Rosedale was opened, would that have all gone to
14 Sauer's?

15 A. Yeah, yes.

16 Q. So if a driver would have taken a load
17 to Rosedale, after Rosedale closed, he would have
18 taken it to Sauer's?

19 A. Right.

20 Q. Was the entire -- were all of the
21 wastes that went to Rosedale then going to Sauer's

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GM 000613

1 during that three- or four-month period?

2 MR. RYAN: If you know.

3 A. I don't really know, now, because he
4 had that dump over at Quarantine and I do know
5 that he could run as much in there as he could
6 have to keep from going to Sauer's.

7 Q. Earlier you mentioned that there might
8 be 75 or 80 trucks a day coming into Rosedale and
9 half or more of those would be Rob Tyler drivers?

10 A. Yes.

11 Q. During that three- or four-month
12 period, where would those 75 to 80 loads a day go?

13 A. They would have gone to Quarantine.

14 Q. Would any of them have gone to Sauer's?

15 A. Yes, some of them would have gone to
16 Sauer's.

17 Q. Of the 75 or 80 truckloads, can you
18 tell me anything about how many would go to
19 Sauer's?

20 MR. RYAN: Don't guess. If you know,
21 you know.

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GM 000614

1 A. No, I couldn't tell you how many went
2 to Sauer's.

3 Q. Would it be more or less than half?

4 A. I would say half.

5 Q. At a break I might be able to find a
6 specific place, but we spoke to Lawrence Jendras,
7 do you know Mr. Jendras?

8 A. Yes, I do.

9 Q. And I believe he testified to us that
10 all of the waste that otherwise went to Rosedale
11 went to Sauer's during that three- or four-month
12 period. Are you saying that that is incorrect in
13 as far as you know?

14 A. I don't know, I don't know. I really
15 don't. Larry would be more -- he should know more
16 than I would about that because he was a driver.

17 Q. Would you have seen all of the Rob
18 Tyler drivers when they came to Sauer's landfill?

19 A. Oh, yes.

20 Q. It seems you would be in a position to
21 know if as many of them were coming to Sauer's as

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GM 000615

1 went to Rosedale.

2 A. I would say, yes.

3 Q. You would say, yes, that all of them
4 were going to Sauer's?

5 A. Yes, that went to Rosedale.

6 Q. Rather than Quarantine?

7 A. Right.

8 Q. So they were going to Sauer's, not to
9 Quarantine, is that correct?

10 A. Oh, yeah.

11 Q. What about of that 75 or 80, some of
12 that 75 to 80 were not Rob Tyler's drivers, some
13 were Bohager's and some were Modern, where were
14 they going for the three- or four-month period?

15 A. Some of them went into Sauer's.

16 Q. I take it you saw them at Sauer's as
17 well?

18 A. Yes, I did.

19 Q. Saw Bohager's drivers at Sauer's?

20 A. Yes.

21 Q. And you saw Modern drivers at Sauer's?

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GM 000616

1 A. Yes, I did.

2 Q. This is probably a good place to take a
3 break.

4 (Break taken.)

5 Q. Before our break, we were discussing
6 the fact that during this three- to four-month
7 period, Rob Tyler's drivers were going to Sauer's
8 Dump, do you recall that?

9 A. Yeah.

10 Q. Who would you say selected Sauer's Dump
11 as the place for them to go? Would it be Rob
12 Tyler or would it be Rob Tyler's customers?

13 A. No, it would have been between Rob
14 Tyler and Fritz, I guess.

15 Q. So the customers wouldn't have anything
16 to do with selecting the site?

17 A. No, no.

18 Q. It would have been selected by Fritz
19 Sauer and Rob Tyler?

20 A. Yes, sir.

21 Q. And that was an arrangement that they

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GM

000617

*customers
select
dump*

1 had?

2 A. Yes, sir.

3 Q. And the customers knew nothing about
4 it, I take?

5 A. I imagine they did. I don't know
6 anything about it.

7 Q. Would they have any reason to know
8 about that?

9 MR. RYAN: If you know.

10 A. I wouldn't know how they would know.

11 Q. Do you know of any way in which a
12 customer would have known about it?

13 MR. RYAN: Mark, he didn't have any
14 dealings with any customers. That would be
15 impossible for him to answer.

16 A. I don't know.

17 Q. Is Mr. Ryan correct that you didn't
18 have any dealings with customers?

19 A. Yes, it is.

20 Q. Based on the discussion we had before
21 about the number of trucks, number of drivers, it

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GM 000618

1 sounds like there must have been a lot more trash
2 coming into Sauer's Dump during that three- or
3 four-month period than there was before?

4 A. Yeah, it would have been Rob Tyler's
5 trucks. And the other trucks that came in there,
6 they dumped -- they dumped where Sauer wanted them
7 to dump. They didn't dump where Rob Tyler did.

8 Q. We'll talk about where they dumped in a
9 moment. Right now I'm talking about the amount of
10 trash that came in. It sounds like the amount of
11 trash that came into Sauer's increased greatly
12 during the three- or four-month period, is that
13 correct?

14 MR. RYAN: He wasn't there when it was
15 operating before 68th Street was closed.

16 Q. Notwithstanding that, based on what you
17 understand about Sauer's operation, was it your
18 impression or understanding that the amount of
19 trash coming in increased?

20 A. Yes.

21 Q. And in your own words, why was that?

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GM 000619

1 A. Because 68th Street closed and they had
2 no other place on this side of town to dump it at,
3 over on 68th Street side, to dump.

4 Q. And so when all of the waste from the
5 Rosedale dump came into Sauer's, that increased
6 the amount coming into Sauer's?

7 A. Yes, it did.

8 Q. Can you say how much that increased,
9 was it a large --

10 A. I wouldn't know.

11 Q. Was it your impression that a lot more
12 trucks were coming in during that three- or
13 four-month period than before?

14 MR. RYAN: Once again, Mark, he wasn't
15 there before. How would he know?

16 A. I really wouldn't know.

17 Q. Sauer only had two or three trucks,
18 isn't that correct?

19 A. Of his own, yeah.

20 Q. Other than Sauer's own trucks, before
21 that three- or four-month period, who else would

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GM

000620

ORIGINAL
66 (Red)

1 have been going -- do you know anything about who
2 else was going to Sauer's?

3 A. No.

4 Q. I guess you testified earlier about
5 some of that, but we'll leave that as it is.

6 After that three- or four-month period,
7 did you go to Norris Farms to work?

8 A. Yes, I did.

9 Q. Do you know anything about what
10 happened at Sauer's landfill after that three- or
11 four-month period?

12 A. No, I don't.

13 Q. Do you know if it closed at some point?

14 A. At some point, yes, but I don't know
15 when.

16 Q. Do you know if it was like a year or
17 two later or 10 years later?

18 A. I really wouldn't know.

19 Q. When you worked at Norris Farms, did
20 Sauer's drivers ever go to Norris Farms?

21 A. Yes, they did.

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GM

000621

1 Q. Did that start happening as soon as
2 Norris Farms opened?

3 A. I'm not sure how soon after.

4 Q. After Sauer's Dump closed, did Sauer's
5 drivers come to Norris Farms?

6 A. Yes, they did.

7 Q. I take it that Sauer's -- did Fritz
8 Sauer's need someplace besides his own dump to
9 dump? You testified earlier that he did some
10 dumping at Rosedale.

11 A. Yes, yeah.

12 Q. I take it that -- why did he do that?
13 Why did he dump somewhere other than his own dump?

14 A. I don't know.

15 Q. I take it that after his own dump
16 closed, he would have needed someplace else, is
17 that correct?

18 A. Yes.

19 Q. Do you know if Fritz Sauer and Rob
20 Tyler had an arrangement that Sauer could use
21 Norris Farms when it opened?

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GM000622

1 A. I don't know, I don't know.

2 Q. But in fact he did use it when it
3 opened?

4 A. Yes, he did.

5 Q. Sauer's did use it?

6 A. Yes, he did.

7 Q. Do you know if Fritz Sauer paid Rob
8 Tyler to use Norris Farms?

9 A. I don't know.

10 Q. I'm looking at paragraph 6 of your
11 affidavit, and in the third line, it says, Sauer's
12 Dump included property on both the north and south
13 sides of what later became Bayview Avenue. When
14 you say included property, do you mean he owned
15 property or what do you mean by "included
16 property"?

17 A. That means he was dumping on both sides
18 of the Bayview area.

19 Q. In paragraph 10 of your affidavit, you
20 describe your work hours when you were at Sauer's
21 Dump. You state, my work hours during the months

DUMPING
N & S

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SINCE 1958

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GM 000623

1 I was assigned to work at Sauer's Dump were from
2 7:30 a.m. to 8 p.m. You worked six days a week,
3 is that correct?

4 A. That's correct.

5 Q. Is that the same as your hours at
6 Rosedale, in other words, did you continue to work
7 the same that you had at Sauer's as you had at
8 Rosedale?

9 A. Yes.

10 Q. According to my figuring, that's 12 and
11 a half hours a day, six days a week.

12 A. (Nodding head indicating yes.)

13 Q. Was that your normal work schedule?

14 A. Yes, it was.

15 Q. Were you paid by the hour?

16 A. Yeah.

17 Q. Did you take a lunch break?

18 A. Not really. A lunch wagon came in, if
19 I didn't have a lot of traffic, I would get
20 something to eat off the lunch wagon and go right
21 back to work.

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GM 000624

1 Q. That adds up to more than 60 hours a
2 week. Did everyone at Rob Tyler work that hard?

3 A. Yeah.

4 Q. But I take it you didn't work special
5 hours while working at Sauer's, it was simply your
6 regular hours?

7 A. Yeah, yeah.

8 Q. Would trucks come in throughout that
9 period from 7:30 in the morning until 8 o'clock at
10 night?

11 A. (Nodding head indicating yes.)

12 Q. Would they come in steadily or --

13 A. No. You'd get breaks in between.

14 Q. What were the truck driver's hours,
15 were they the same as yours?

16 A. Some of the truck drivers started at 6
17 o'clock in the morning.

18 Q. Can you tell me how you learned that
19 you would be going to Sauer's to work? Can you
20 recall anything of who would have told you about
21 that?

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GM 000625

1 A. I guess George Gephardt would have told
2 me to go to Sauer's landfill because he was my
3 boss or at least I always thought he was.

4 Q. You thought of George Gephardt as your
5 boss?

6 A. Yes, I did.

7 Q. Can you remember anything about what he
8 said to you about going to Sauer's?

9 A. No, nothing, only that you go to
10 Sauer's and push trash over there and just push
11 the Rob Tyler trucks, the ones that belong to Rob
12 Tyler.

13 Q. When you started work at Sauer's, did
14 you have any conversations with Fritz Sauer?

15 A. Well, yes, I would see Fritz every day.

16 Q. When you started work there, was there
17 any discussion about what you would be doing?

18 A. Yeah, Fritz Sauer told me I am pushing
19 in one place and only push the Rob Tyler's trucks,
20 Rob Tyler trash that came in, dump it in this
21 place and I'd take care of that. The rest of the

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GM 000626

ORIGINAL
(Red)

1 trash went wherever he was dumping it.

2 Q. Do you recall specifically having a
3 conversation like that with Fritz Sauer?

4 A. Yes, sir.

5 Q. Can you recall where that took place?

6 A. Out on the landfill when he was showing
7 me where to dump my trucks at.

8 Q. What were his reasons for that, do you
9 know?

10 A. I guess so I wouldn't -- because the
11 other trucks would be paying Fritz Sauer and not
12 Rob Tyler. That's the only reason that I would
13 know.

14 Q. Do you know anything about who the
15 drivers paid? You just now mentioned that some
16 would be paying Fritz and some would be paying Rob
17 Tyler.

18 A. No, they wouldn't be paying Rob Tyler
19 at all. See, Rob Tyler's trucks would be dumping
20 in this area and any other trucks that came in,
21 stopped at Fritz Sauer's office and he would give

Rob Tyler
Section of
Sauer's Dump

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GM

000627

1 them a ticket and they would pay him; now, who
2 paid Rob Tyler, I would say nobody paid Rob Tyler
3 because he didn't take -- he only took his trucks.

4 Q. You mentioned getting a ticket from
5 Sauer?

6 A. Yes.

7 Q. Did the Rob Tyler drivers do that?

8 A. No.

9 Q. They did not stop and get a ticket from
10 Fritz?

11 A. No.

12 Q. But the other trucks did?

13 A. Yes, they did.

14 Q. What about Sauer's own drivers, like
15 Michael Cefaloni?

16 A. No, he dumped where Sauer's trucks
17 dumped at.

18 Q. Did Michael Cefaloni get a ticket?

19 A. I don't know about that.

20 Q. Who did get a ticket, what category of
21 drivers did get tickets from Sauer's?

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GM

000628

1 A. All the trucks that weren't Rob Tyler's
2 got tickets from Sauer's.

3 Q. But you are not sure about --

4 A. About his own trucks, no.

5 Q. Why did Fritz Sauer care where Rob
6 Tyler's truck driver's dumped?

7 MR. RYAN: If you know why.

8 A. I don't know.

9 Q. Did he tell you why he cared?

10 A. No.

11 Q. Do you know of any reason why it
12 mattered to him?

13 A. No, I don't.

14 Q. Can you tell me as specifically as you
15 can exactly what he told you? You have described
16 it some. Can you tell me anything further about
17 what he might have told you?

18 A. No, that's it. I dump my trucks here
19 and any other trucks come up there are to dump --
20 send them over to his bulldozer operator.

21 Q. Was he telling you to direct trucks

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GM 000629

1 where to go?

2 A. No.

3 Q. Just now you said, he would say, send
4 them over there. Who was supposed to do the
5 sending?

6 A. If they stopped there and wanted to
7 dump where I was at, I would tell them, no, you go
8 over there.

9 Q. He didn't explain why?

10 A. (Shaking head indicating no.) I
11 presumed it was moneywise. I don't know.

12 Q. But if they had already gone past the
13 gate and picked up their ticket, I don't
14 understand why it would have made any difference
15 moneywise.

16 A. I don't know.

17 Q. I take it you don't know why either.

18 A. No, no, I don't.

19 Q. How did he describe or indicate to you
20 where you were supposed to operate?

21 A. He told me. He took me out there and

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GM 000630

1 showed me. This area here, you dump your trucks
2 in and no other trucks dump there. Fritz Sauer
3 told me this himself.

4 Q. Did he point to a spot in the ground?

5 A. Yeah.

6 Q. Did it have a fence around it?

7 A. No, it was a trench like.

8 Q. There was a preexisting trench?

9 A. Yeah.

10 Q. And he pointed to the trench and said,
11 dump here?

12 A. Uh-huh.

13 Q. Can you describe that trench for me?

14 A. It was just a hole pushed down into the
15 ground.

16 Q. How do you think that trench was made?
17 Was it dug by a bulldozer or creep bed?

18 A. Yeah, a bulldozer.

19 Q. It was there when you showed up?

20 A. Yeah.

21 Q. You didn't dig the trench?

Robb
Tyler
"trench"
@ Sauer's
Dump

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GM 000631

1 A. No.

2 Q. Can you tell me anything about the size
3 of the trench, how deep it was or how long it was?

4 A. No.

5 Q. Was it deep enough for a man to stand
6 in and be over his head?

7 A. Yes, it was probably 20 feet deep and
8 maybe 100 foot long, 20 feet wide or wider.

9 Q. Can you recall if it was freshly dug?

10 A. No.

11 Q. Did it look like it had been a trench
12 in that condition for some time?

13 A. Yeah.

14 Q. Do you have any idea why it was there
15 or why it was created?

16 A. No, I don't, no.

17 Q. Was there any other -- this was a
18 trench. Was there any other trench? Was there
19 any other way where the area that you were
20 supposed to dump was defined? I take it there
21 wasn't any fence around it?

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GM

000632

1 A. No.

2 Q. Were there any flag markers?

3 A. (Shaking head indicating no.)

4 Q. Any stakes?

5 A. (Shaking head indicating no.)

6 Q. You are indicating, no?

7 A. No, yeah.

8 Q. Just so that last answer was clear --

9 A. If I can answer it, I think it was
10 where they used to burn trash at and they kept
11 pushing the wood, after it was burned, out, kept
12 pushing it out on top. And they sort of built the
13 ravine there.

14 Q. They built a ravine?

15 A. Yeah, and he told me to dump in it.

16 Q. That's not clear to me because it would
17 seem you would dig a ravine rather than create a
18 ravine.

19 A. They dumped wood and stuff in it and
20 burned the wood.

21 Q. First they dug it and then they filled

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GM 000633

ORIGINAL
79 (Rec'd)

1 it?

2 A. And then they pushed, after it burned
3 up, they pushed it out.

4 Q. And gradually filled up the hole?

5 A. Right, and I filled up the hole with
6 trash.

7 Q. If so, then, I take it it wasn't all
8 filled up, there was still some left?

9 A. Yes.

10 Q. And this was this trench?

11 A. (Nodding head indicating yes.)

12 Q. Was the trench clearly visible?

13 A. Yes.

14 Q. Was it very easy to see?

15 A. Yeah, yeah.

16 Q. Do you think anyone who dumped there
17 would remember that trench?

18 MR. RYAN: If you know what other
19 people might remember.

20 A. I wouldn't know. I can't answer that
21 because I don't know.

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SINCE 1904

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GM 000634

1 Q. Do you think if a driver came in and
2 dumped a load in there and someone asked him, was
3 there a trench, do you think they would remember
4 that trench?

5 MR. RYAN: Once again, if you know what
6 someone else might remember.

7 A. No, I don't remember.

8 Q. I take it you remember it very clearly?

9 A. Yes, I remember it.

10 Q. Was it big and obvious?

11 A. Yeah.

12 Q. Could a truck roll down into it if it
13 went too far?

14 A. Yeah, a truck could back right down
15 into it.

16 Q. So if they backed too far they could
17 end up in a trench?

18 A. And sometimes they did and they would
19 dump their load and drive on back.

20 Q. Could they drive out or did they have
21 to be towed?

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GM 000635

1 A. No, they could drive.

2 Q. Could you drive into it?

3 A. From the end you could drive into it,
4 but not over the sides.

5 Q. What did trucks do, did they drive in
6 the end?

7 A. No, they backed up to the top of it and
8 dumped their loads and I pushed it down in.

9 Q. So a truck would back up into the end
10 of the trench, dump its loads at the edge and you
11 would bulldoze the trash into the trench?

12 A. Right.

13 Q. I take it that a driver would know he
14 was backing up into a trench --

15 A. Yes.

16 Q. -- otherwise he would fall into it?

17 A. Right.

18 Q. So it would be obvious to him that
19 there was a trench there, I take it?

20 A. Yeah.

21 Q. I think one question asked, your answer

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GM 000636

1 may not have been clear, there were not stakes
2 with flags on them around this trench?

3 A. No.

4 Q. Was there a line of vegetation or trees
5 on any side of this trench?

6 A. No.

7 Q. So there was plain dirt around it?

8 A. Right.

9 Q. There were not trees on one edge of it?

10 A. Yeah, that's right.

11 Q. You said that Fritz Sauer told you not
12 to let anyone else dump in that trench --

13 A. That's right.

14 Q. -- other than Rob Tyler's drivers?

15 A. That's right.

16 Q. Do you recall any drivers other than
17 Rob Tyler's dumping there?

18 A. No.

19 Q. Not one the entire time you worked at
20 Sauer's?

21 A. No, no.

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GM 000637

1 Q. Did any drivers ever come up to you and
2 want to dump there, ask to dump there?

3 A. Yes.

4 Q. What would happen then?

5 A. I would show them where to go to dump.

6 Q. Can you remember any drivers with whom
7 you had such a conversation?

8 A. No.

9 Q. When you would tell them where to go,
10 would you point them to a specific place or would
11 you just say, go somewhere else?

12 A. No, I would tell them where to go to.

13 Q. Why would you direct them to a specific
14 spot?

15 A. Because that's where they were supposed
16 to dump at, over --

17 Q. When you say they were supposed to --

18 A. They dumped where Sauer was dumping
19 trash at.

20 Q. Did it matter to you where they dumped
21 as long as they went somewhere else? Did you have

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GM 000638

1 any reason to care where they dumped as long as it
2 was somewhere else?

3 A. Yeah, because they had to dump where
4 the man wanted them to dump at.

5 Q. What man?

6 A. Fritz Sauer.

7 Q. Did he give you any instructions about
8 telling them where to go?

9 MR. RYAN: He answered that, but go
10 ahead.

11 A. Yes, he told me if they stopped and
12 wanted to dump there, show them where his
13 bulldozer was at and tell them to go there.

14 Q. Is that the way he described it, send
15 them to where my bulldozer is?

16 A. Yeah.

17 Q. And he said that, rather than send them
18 over by the fence or over by some other feature,
19 he would say, send them over by my bulldozer?

20 A. Yeah.

21 Q. Was there anyone other than you giving

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GM 000639

1 directions where to dump? Was anybody giving
2 directions where to dump?

3 A. Yes, they was told at the office where
4 to go to.

5 Q. By whom?

6 A. I don't know the young lady's name that
7 worked in the office for Fritz.

8 Q. Let's take an example of a truck driver
9 coming in and maybe you can tell me exactly what
10 they did when they came in. Let's say a Bohager
11 driver drives into the site and what happens?
12 Where do they go?

13 A. Well, first off, he's got to come in by
14 Fritz's office.

15 Q. In a moment we're going to look at some
16 photos and maybe you'll be able to explain to us
17 where people drove in, but I take it they would
18 come into Fritz's office?

19 A. Right, come into his office and the
20 lady that worked in the office would write up the
21 ticket.

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GM 000640

1 Q. So they would stop at the office and
2 get out of their truck and go and talk to the lady
3 in the office?

4 A. She would sign their ticket and they
5 would get back in their truck and she would tell
6 them where to go to dump.

7 Q. Other than that, and other than you,
8 was there anybody out directing traffic telling
9 people where they should go?

10 A. Yeah, there was a boy up by the site
11 that would tell them where to back into to come
12 dump.

13 Q. Who was that?

14 A. I forget the boy's name.

15 Q. Who did he work for?

16 A. Fritz Sauer.

17 Q. Can you tell us approximately how old
18 he was?

19 A. About 17, 16, 17.

20 Q. Do you know if he was a relation of
21 Sauer's?

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GM 000641

*Continued
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1 A. I'm not sure about that.

2 Q. Was he out there all the time while you
3 were at Sauer's?

4 A. Yeah.

5 Q. Was his only job to tell people where
6 to dump?

7 A. No, no.

8 Q. What else did he do?

9 A. Sometimes he helped Cefaloni on the
10 truck.

11 Q. How would he help Cefaloni, what would
12 he do?

13 A. If he had an open-top truck going to
14 pick up some loose trash, he would have to go to
15 help him load it.

16 Q. Did he direct every truck that came in
17 where to go?

18 A. If he was out there on the site, he
19 did, yeah.

20 Q. So did you direct anybody where they
21 should go, other than drivers who came to your

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GM 000642

Exhibit
(Study)

1 area, in other words, you didn't direct everybody
2 where to go, I take it, but only if they
3 stopped --

4 A. Yeah, if they stopped at my area and it
5 wasn't a Rob Tyler truck, they had to go up to
6 Fritz Sauer's, where he was dumping at.

7 Q. But unless they came up to you, they
8 might not stop by you for directions?

9 A. No.

10 Q. They would not stop by you for
11 directions?

12 A. No, they knew where they was supposed
13 to dump at.

14 Q. Did you ever have any conversations
15 other than this one with Fred Sauer about where
16 people should dump?

17 A. No.

18 Q. Did you ever talk about that with
19 Michael Cefaloni or with any other Sauer
20 employees?

21 A. No.

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SINCE 1908INC.SUITE 1700 • COURT SQUARE BLDG. • 200 E. LEXINGTON ST. • BALTIMORE, MD 21202 • OFFICE (301) 528-6700**GM000643**

1 Q. So there was simply this one initial
2 conversation about where to dump with Fred Sauer?

3 A. Yes.

4 Q. Were there any other Rob Tyler
5 employees besides yourself working at Sauer's?

6 A. No.

7 Q. Not at all?

8 A. No.

9 Q. Not at any time?

10 A. No.

11 Q. I mean, obviously, the drivers were
12 that were dumping there?

13 A. Yeah.

14 Q. Did George Gephardt ever come and work
15 at Sauer's?

16 A. Not as I remember.

17 Q. Did Allie Tyler ever stop by at Sauer's
18 while you were there?

19 A. Oh, yes.

20 Q. How often, every day?

21 A. No, no, maybe once a week, twice a week

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GM 000644

1 or something, depending on if he was in the area,
2 he could stop in and see me.

3 Q. What would he do when he came to
4 Sauer's?

5 A. Just asked how things were going and
6 that's it.

7 Q. Did you ever have a discussion with him
8 about where the dumping was taking place?

9 A. No.

10 Q. Before the three-month period, do you
11 know of any equipment or employees from Rob
12 Tyler's that went to Sauer's for any reason, other
13 than trucks dumping there?

14 A. (No audible answer.)

15 MR. RYAN: You have to give an audible
16 answer.

17 A. No.

18 Q. We talked to Allie Tyler before and we
19 talked to him about equipment and employees being
20 at Sauer. He used a word here that I don't
21 understand, maybe you can tell us what he meant,

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GM 000645

1 it may be a term that relates to the trash
2 business. He had mentioned to us that you worked
3 there and then we asked were there any other
4 employees or any other pieces of equipment that
5 Rob Tyler loaned to Sauer during that period? And
6 Allie Tyler said, I don't recall, there could have
7 been, maybe another dozer from time to time. I
8 don't know if there was any pans. I just don't
9 remember.

10 A. Pans, like you haul dirt with. No,
11 there wasn't.

12 Q. So you don't recall any other dozers --

13 A. No.

14 Q. -- or any other pans?

15 A. No. The pan, the pans, he means is a
16 pan like contractors use to scoop up dirt with.

17 Q. But you don't recall any of Tyler's
18 pans at Sauer's?

19 A. No, I don't.

20 Q. So the trench you described was there
21 when you got there, but you don't know for how

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GM 000646

1 long?

2 A. Yeah.

3 Q. Did it look like they had been filling
4 that area, filling that trench for some time? You
5 described before that it was an area being filled
6 in gradually; is that accurate?

7 A. Yeah, but at the time they was allowed
8 to burn wood and stuff in there and that's how
9 come the trench was there. They scooped it out
10 and dumped wood in there and set a fire and burned
11 it during the day. And then it would be out at
12 night and that's how come the trench was there.
13 But when they stopped the burning, then the trench
14 was still there. That's where I dumped Rob
15 Tyler's trash.

16 Q. Before I think you said that the trench
17 might be 20 feet deep and 100 feet long?

18 A. Right.

19 Q. As I understand it, the only people who
20 dumped there were Tyler's drivers?

21 A. Yes.

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GM 000647

1 Q. Your affidavit also uses the word
2 subcontractors. Do you know what that term means?

3 MR. RYAN: Where is that?

4 MR. GRUMMER: I believe it's used in a
5 couple of places.

6 MR. BYRD: Paragraph 11.

7 MR. RYAN: If you know.

8 Q. I'm looking for it.

9 MR. BYRD: It's 9 and 11, Mark.

10 A. Subcontractors, that was guys that had
11 their own trucks that hauled for Rob Tyler.

12 Q. Can you give us an example?

13 A. Like Larry Jendras had one and he
14 hauled dumpsters, they call them. He picked up at
15 different places like restaurants and stuff like
16 that.

17 Q. Did Michael Cefaloni ever dump in the
18 trench while you were there?

19 A. No.

20 Q. Not once?

21 A. No.

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GM 000648

Baltimore
1/10/10

1 Q. Where did Michael Cefaloni dump while
2 you were at Sauer's Dump?

3 A. Up where Sauer's trucks was dumping at.

4 Q. That was true of every load he brought?

5 A. Yes.

6 Q. And it didn't matter who the customer
7 was?

8 A. No.

9 Q. I asked you before if you knew if he
10 ever hauled for Rob Tyler customers and I believe
11 you said you did not know if he did?

12 A. I don't know, no.

13 Q. But in any event, whoever he was
14 hauling, it all went to the south side, I take it?

15 A. Right.

16 Q. And there was never a situation where
17 he came to you and said this is from a Rob Tyler's
18 customer, I want to dump it in the trench, that
19 never happened?

20 A. No.

21 Q. What happened to this trench over the

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GM 000649

1 period of three or four months? Did it get filled
2 up?

3 A. Yes, it did.

4 Q. Can you tell me how much it got filled
5 up or how big it was when you left compared to
6 when you started?

7 A. It was full when I left.

8 Q. Completely filled?

9 A. Uh-huh.

10 Q. So it was level with the surrounding
11 area?

12 A. Yes.

13 Q. Do you know if it looked different?
14 The trash surface, did it look different than the
15 surrounding dirt?

16 A. No, no, it didn't.

17 Q. Did it get filled up just exactly the
18 moment that Rob Tyler left or was it filled a
19 little bit before Rob Tyler left Sauer's?

20 A. I don't remember that, but it was full
21 when we left it. It might have been a little over

it was
trash filled
in 3 mos

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GM 000650

1 full.

2 MR. GRUMMER: Off the record.

3 (Discussion off the record.)

4 (Break taken.)

5 Q. Before lunch we were talking about the
6 area where the Tyler drivers dumped and you were
7 describing a trench where that happened. In your
8 recollection, where did the Sauer drivers dump or
9 drivers other than Tyler drivers?

10 A. To the south of where I was dumping at.

11 Q. You described a trench where the Tyler
12 drivers dumped. Was there another trench where
13 the Sauer drivers dumped?

14 A. No.

15 Q. How did you -- was there any physical
16 feature or identifying mark that identified where
17 the other drivers dumped other than Tyler's?

18 A. Only by just where the bulldozer was
19 working at, where Sauer's bulldozer was working.

20 Q. So the other drivers, other than
21 Tyler's, would dump where the bulldozer was

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GM 000651

1 working?

2 A. Yes.

3 Q. At that particular time?

4 A. Yes.

5 Q. Now, you worked your bulldozer near a
6 particular trench, is that correct?

7 A. That's correct.

8 Q. Was there some other trench or some
9 other place that made clear where the Sauer
10 bulldozer would operate?

11 A. Yes.

12 Q. And what was that?

13 A. That was -- they would be dumping over
14 on the other side of where I was dumping at.

15 Q. When you say the other side, the other
16 side of what?

17 A. South of where I was dumping.

18 Q. To the south of where you were?

19 A. Yeah.

20 Q. Was there anything on the land like
21 a -- I take it there was not a trench in the land

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GM 000652

1 to mark the place where they were dumping?

2 A. No.

3 Q. Was there anything that you could
4 see -- if the bulldozer were to drive away, would
5 there be something that you could have pointed to
6 that thing or that tree or that trench, was the
7 place where they go?

8 A. Well, they had a little house up on the
9 fill, a little barricade like where like the truck
10 spotter would be in when he was spotting trucks
11 for them and you'd send them over by that place.

12 Q. I'm not sure I follow that. There
13 would be a little house?

14 A. Yeah, a little -- I don't know how you
15 would say it.

16 Q. Bulldozer would be near the little
17 house?

18 A. Yeah, it would be near a little
19 cardboard box or something.

20 Q. Would the little house move from day to
21 day?

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GM 000653

1 A. No, they just set it up there for the
2 man to stay at to motion the trucks in, and that's
3 where the trucks would go to and then the dozer
4 was always there.

5 Q. And that little house would be out in
6 the middle of the landfill someplace?

7 A. Yeah, uh-huh.

8 Q. Did it move at all during the time that
9 you were at Sauer's?

10 A. Uh-uh.

11 Q. It was always in the same place?

12 A. Yeah.

13 Q. And dumping would take place near it?

14 A. Yeah.

15 Q. Can you give me any sense how close to
16 it, how far around it, within 100 yards or within
17 10 feet?

18 A. Oh, within 50 yards, I guess.

19 Q. Would you be telling me that during the
20 entire time that you were at Sauer's, all of the
21 dumping by trucks by drivers other than Tyler's

"Sauer"
Side -
dumping limited
to "circle"
around house.

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GM 000654

1 was within 50 feet of this little house or 50
2 yards of the little house?

3 A. Yeah.

4 Q. If you marked out a circle 50 yards
5 out, there would be a circle 50 yards all the way
6 around, all of the waste that came in from drivers
7 other than Tyler's went in a 100-yard area,
8 100-yard circle?

9 A. I don't know if it was 100 yards. It
10 was --

11 Q. Something approximately that size?

12 A. Yeah.

13 Q. Now, I believe the landfill, if we look
14 at those aerial photos and measured it, it would
15 be 200 or 300 yards across at that point. We
16 could check if we'd like to do that. It sounds
17 like this was a very small area or a much smaller
18 area than the overall size of the landfill?

19 A. Yeah.

20 Q. So far you have described you dumping
21 in a trench where you worked and an area of

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GM 000655

1 approximately 100 yards around where the other
2 drivers were dumping. What about all the other
3 areas at the landfill, was no dumping at all
4 taking place?

5 A. No, that was already filled up.

6 Q. It was already filled up?

7 A. Uh-huh.

8 Q. So it wasn't possible to dump there
9 anymore?

10 A. That's right, you couldn't dump there
11 anymore.

12 Q. Could you look and see parts that were
13 filled up as opposed to the parts that were not
14 filled up?

15 A. Yes.

16 Q. They looked different?

17 A. Yeah.

18 Q. So in your recollection, this 100-yard,
19 approximately 100-yard around area where the other
20 drivers were dumping, looked different than the
21 areas, than the other areas of the landfill?

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GM 000656

1 A. Yes, it did.

2 Q. Could you describe a little bit more
3 about how it looked different? Did it have a
4 different color to it? Was it higher up?

5 A. No, it was lower.

6 Q. It was lower. Would there have been
7 plants and vegetation on the areas where the
8 dumping was finished?

9 A. No.

10 Q. Would they have just been plain dirt?

11 A. Yeah.

12 Q. But they would have been higher up than
13 the other, than the area where the other drivers
14 were dumping?

15 A. (Nodding head indicating yes.)

16 Q. There wasn't a fence or anything like
17 that around the area where the other drivers were
18 dumping?

19 A. No.

20 Q. So while you were there, these two
21 places were the only places that any dumping took

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GM 000657

1 place?

2 A. Yeah.

3 Q. Could you tell anything about what had
4 been going on before you got there? I mean, was
5 it your impression that this area where the other
6 drivers was dumping was newly created or did it
7 look like they were continuing -- that they were
8 doing what they had been doing before you got
9 there?

10 A. Continuing what they were doing before
11 I got there.

12 Q. You did not see any indication that
13 they had just created this 100 yard area --

14 A. No.

15 Q. -- for the period that you were going
16 to be there?

17 A. That's right.

18 Q. But rather they had simply been filling
19 the landfill and had filled it up to that point
20 and that happened to be where they were dumping?

21 A. Yeah.

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GM 000658

1 Q. Can you tell us how far away that area
2 was where the other drivers were dumping?

3 MR. RYAN: Compared to where he was
4 dumping.

5 Q. From where you were working.

6 A. I would say 200 yards anyhow.

7 Q. When you worked, were you usually
8 sitting on your bulldozer?

9 A. Yeah.

10 Q. Like half the time or 90 percent of the
11 time?

12 A. All of the time.

13 Q. All the time?

14 A. All the time.

15 Q. You basically got on it when you got
16 there in the morning and climbed off when you
17 left?

18 A. Yes.

19 Q. I suppose you took time off to eat?

20 A. Yes.

21 Q. Did you run errands or have a lunch

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GM 000659

1 break?

2 A. Just a lunch break and that was it.

3 Q. When you were on the bulldozer, did you
4 -- as you described it before, there was a trench,
5 the drivers would dump near the edge of the trench
6 and you would push the trash into the trench?

7 A. That's right.

8 Q. And I think you indicated that the
9 trench ran east-west, parallel to the railroad
10 tracks, is that correct?

11 A. That's right, yeah.

12 Q. Which side of the trench were you on or
13 did you work on both sides? Did you work between
14 the railroad tracks and between the trench or --

15 A. I worked in the trench.

16 Q. In the trench?

17 A. In the trench.

18 Q. I see. Earlier I had the impression
19 that you were up on the edge of the trench.

20 A. No, the trucks would dump up here and I
21 would push it down into the trench.

trench
ran E-W.

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GM 000660

1 Q. You would start up at the top and push
2 down into the inside?

3 A. Right.

4 Q. Did the trucks dump on both sides of
5 the trench or just on the landfill side?

6 A. Like the trench was here, they dumped
7 out here and I pushed it down here.

8 Q. The drivers would dump it into the end
9 of the trench?

10 A. Uh-huh.

11 Q. They would dump at the end and you
12 would push from the end down into the trench?

13 A. Yes, sir.

14 Q. Rather than having them pull up to the
15 steep sides?

16 A. Yeah.

17 Q. Do you remember if the end of the
18 trench that you were working was closer to where
19 the trucks came in or on the other side from where
20 the trucks came in, the east end or west end?

21 A. Closer to where the trucks came in.

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GM 000661

1 Q. According to my recollection that would
2 be on the east end of the trench, is that right?

3 A. Yeah.

4 Q. How much of the time were you down in
5 the trench and how much were you up on the
6 surface?

7 A. Well, it depends on how fast the trucks
8 are coming in. I would get the trash down in
9 there, if it was no trucks, I spent my time
10 packing it, just rolling back and forth over it.

11 Q. That would be taking place partially in
12 the trench or on the ramp down into the trench?

13 A. Down into the trench and up, sort of
14 rammed it up like that (indicating.)

15 Q. Could you please look at paragraph 13
16 of your affidavit, and specifically the last
17 sentence? It says, "neither I nor anyone else
18 from Rob Tyler, Inc. had anything to do with
19 Sauer's operation." Can you explain to me a little
20 bit more what exactly you meant by that?

21 A. I never had nothing to do with it

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GM 000662

1 because they took care of theirs and I taken care
2 of Rob Tyler's.

3 Q. I take it what you mean is that you
4 personally didn't have much dealings with the
5 Sauer people, is that correct?

6 A. That's right, yeah.

7 Q. Earlier we talked about the fact that
8 Rob Tyler and Fritz Sauer knew each other and had
9 some business arrangements together. You aren't
10 suggesting that they didn't here, are you?

11 A. No.

12 Q. You are simply referring to your own
13 personal work at the landfill?

14 A. Right.

15 Q. So when you say, "neither I nor anyone
16 else from Rob Tyler," what you mean is the people
17 working there where you worked?

18 A. Right. I mean, I done my work and they
19 did theirs. That was --

20 Q. The reason I ask that is that it says,
21 "neither I nor anyone else from Rob Tyler," and

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GM 000663

1 that could be a lot of people doing a lot of
2 things, and I take it what you mean is simply you
3 and the people that worked around you, between you
4 and the Sauer people, you didn't have any
5 interaction?

6 A. No, we didn't.

7 Q. Did you ever have lunch breaks with
8 them or socialize with them during breaks while
9 you were working at Sauer's?

10 A. Yeah, I would say, yeah.

11 Q. But you never worked with them?

12 A. No, uh-uh.

13 Q. What I'd like to do now is look at
14 paragraph 15 of your affidavit, and here you are
15 describing an individual dumping some drums and
16 you state that he poured the contents on the
17 surface of the ground and then took back the
18 drums? *RM*

19 A. Yeah.

20 Q. How certain are you that he took back
21 the drums?

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SINCE 1966 NC

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GM 000664

1 A. I seen him take them back.

2 Q. You are certain he didn't leave the
3 drums on the ground?

4 A. Yeah.

5 Q. You are certain he took the drums back
6 with him?

7 A. Yeah.

8 Q. The next sentence states, the liquids
9 in the drums that I saw included paint thinner.
10 Is that correct?

11 A. Yeah.

12 Q. How do you know it was paint thinner?

13 A. You could smell it.

14 Q. From 200 yards away?

15 A. I could smell it -- see, he drove by
16 where I was dumping at and you could smell the
17 paint thinner in the truck.

18 Q. He would drive by you on the way to
19 dumping and as he drove by you would smell paint
20 thinner?

21 A. Yeah, yeah.

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SINCE 1906

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GM 000665

1 Q. Did you smell the paint thinner or see
2 the paint thinner?

3 A. I smelled it and seen the liquid when
4 he dumped it out of the drums.

5 Q. How close by you did the drivers drive?

6 A. Oh, within 30 feet, I guess, 30 feet.

7 Q. Was there a well established path or
8 road?

9 A. Yeah.

10 Q. And that went within 30 feet of the
11 trench?

12 A. (Nodding head indicating yes.)

13 Q. How fast were the drivers driving when
14 they would drive by?

15 A. About 10, 15 miles an hour.

16 Q. And yet you were able to identify a
17 smell from the truck as paint thinner as it drove
18 by?

19 A. Yeah, yeah, you could smell that.

20 Q. How do you know it was paint thinner
21 rather than some other type of material that might

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SINCE 1908

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GM 000666

1 smell like paint thinner?

2 A. I didn't know, but it was just -- you
3 could smell the paint thinner in it.

4 Q. So what you recognize was a smell that
5 smelled like paint thinner?

6 A. Yeah, and I seen him dump the liquid
7 out of the drum which he also took the drum back.

8 Q. Now, this dumping took place 200 yards
9 away, as you testified earlier?

10 A. Right.

11 Q. What exactly could you see?

12 A. You could see him dumping the liquid
13 out and it was also other materials that he would
14 dump out, too, I don't know what they were.

15 Q. Did the liquid flow out, was it thin
16 liquid?

17 A. Yes, thin liquid and some was thick
18 stuff, thick liquid.

19 Q. Was it clear or --

20 A. No, it was sort of cloudy like, like it
21 was other stuff that had been mixed in with it or

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GM 000667

1 something.

2 Q. Did anyone tell you it was paint
3 thinner or was that simply your belief based on
4 what you smelled?

5 A. No, Ray used to tell me what was in it.

6 Q. Did he say paint thinner?

7 A. (Nodding head indicating yes.)

8 Q. Did you ever identify any other
9 materials on trucks going by based on their smell?

10 A. No.

11 Q. This paint thinner was the only thing
12 that you were ever able to identify by sense of
13 smell on a truck rolling by?

14 A. Yeah.

15 MR. RYAN: Let the record show that he
16 also said that Ray told him what was in there.

17 MR. GRUMMER: Earlier he stated that he
18 identified it simply by sense of smell.

19 MR. RYAN: After Ray had told him what
20 was in there, I guess it would be easier to
21 identify by smell.

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GM 000668

1 MR. GRUMMER: He said he identified by
2 smell and it was later that we discussed the
3 possible oral confirmation of that.

4 Q. In paragraph 17 of your affidavit, you
5 state that you went to the property on which
6 Sauer's Dump used to be located and I believe we
7 discussed that earlier?

8 A. Yes.

9 Q. It also says, quote, "I confirmed the
10 location where waste from Rob Tyler, Inc.,
11 customers were dumped." Can you tell me what you
12 did to confirm that?

13 A. Yeah, we walked out on the property and
14 I showed Gwen Walsh north of Bayview Avenue where
15 trucks dumped the Rob Tyler trash at.

16 Q. So now there is a street there?

17 A. Yeah.

18 Q. But the street was not there when you
19 were working at Sauer's?

20 A. Oh, no, no.

21 Q. What landmarks are there to give you a

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GM 000669

1 frame of reference as to where things took place
2 at Sauer's Dump more than 20 years ago?

3 MR. RYAN: Do you understand the
4 question?

5 Q. Things look very different there now,
6 don't they?

7 A. Yes, they do. The landmark that I go
8 by is by the railroad and where that Picorp is at.

9 Q. Picorp is there now, but it was not
10 there before, was it?

11 A. No.

12 Q. The only thing that was there before is
13 the railroad tracks, isn't that correct?

14 A. That's right.

15 MR. RYAN: How about the high school,
16 is that --

17 THE WITNESS: Yes, the high school was
18 there.

19 Q. But between the railroad tracks and the
20 high school, is there anything there now that was
21 there when you worked at Sauer's?

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GM 000670

1 A. When I worked at Sauer's?

2 Q. Yes. Between the railroad tracks and
3 the high school, is there anything there today
4 that was there when you worked at Sauer's?

5 A. The railroad track and I'm not sure
6 what's down below the Picorp.

7 Q. You mean to the south of Picorp?

8 A. No, it would be to the north.

9 Q. Aren't the railroad tracks to the north
10 of Picorp?

11 A. Yeah, yeah. The railroad tracks, but
12 then I don't know if there is anything below that
13 or not.

14 Q. As I understand the current geography
15 of the site, everything is different from between
16 the railroad tracks and the high school from what
17 it was when Sauer's Dump operated?

18 A. Uh-huh. But I just know know the
19 area. You can look at the ground and tell the
20 area where I dumped at.

21 Q. By seeing features on the ground?

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SINCE 1908

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GM 000671

1 A. Yeah.

2 Q. What features?

3 A. Just lay of the ground.

4 Q. Isn't the lay of the ground very
5 different today as well?

6 A. Yeah, but if you look at the sides of
7 the dump, I can establish where I was at.

8 Q. The sides of the dump as they are
9 today?

10 A. Yeah.

11 Q. There isn't a dump there today, though,
12 is there?

13 A. No. You mean dumping trash there?

14 Q. What I'm trying to understand is how
15 you can look at anything that is there today and
16 recognize where things happened during Sauer
17 Dump --

18 A. From the direction from where I came in
19 at, I can look at that and tell about where I was
20 dumping at.

21 Q. My sense is that what you can remember

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GM 000672

1 are directions and distances. But not landmarks
2 because there aren't any.

3 A. There's no landmarks at all.

4 Q. You are saying there are no landmarks
5 left today that correspond to Sauer's Dump as it
6 was in place while you were there?

7 MR. RYAN: Other than the railroad
8 track and high school?

9 A. Yes.

10 Q. In this entire discussion I'm talking
11 about between the railroad tracks and the high
12 school. So when you look at landmarks that are
13 there today, in trying to compare that to where
14 things happened at Sauer's dump, I take it you are
15 going by recollections of distances and
16 directions?

17 A. Right, yeah.

18 Q. Because there are no landmarks between
19 the railroad tracks and the high school?

20 A. No, no.

21 Q. When you were at Sauer's Dump, did you

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SINCE 1948

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GM 000673

1 ever measure or pace off distances between things?

2 A. No.

3 Q. When you went back to the area
4 recently, did you measure or pace off any
5 distances?

6 A. No.

7 Q. So as I understand it, you stood in or
8 near -- let's say in the Picorp facility and
9 simply looked around from there and made your
10 judgments about where things happened?

11 A. Yeah.

12 Q. Based on that?

13 A. Yeah.

14 Q. When you were at Sauer's, was there any
15 sort of east-west path or road like what is now
16 Lombard Street?

17 A. No.

18 Q. So during the operation of Sauer's
19 Dump, there was not a road or some feature like
20 that that the other drivers were on the other side
21 of, I take it?

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GM 000674

1 A. No.

2 Q. You were not looking across a road at
3 them?

4 A. No.

5 Q. Nor was there a, if not a road, a path
6 or a trail that might have been visible or was it
7 simply -- was there any sort of path or trail that
8 you were looking across when you looked at them?

9 A. Only the road that they used to go
10 through the landfill, like I would be here and
11 they would be traveling here and --

12 Q. So when you say you confirmed the
13 location, it sounds like what you did was you
14 simply looked and tried to recall the distances in
15 the directions from where you were standing when
16 you went there recently, is that correct?

17 A. Yeah.

18 Q. You did not compare to any landmarks
19 other than the railroad tracks and the high
20 school?

21 A. That's all.

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SINCE 1948

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GM 000675

1 Q. In the next sentence of your affidavit
2 you state, I have also looked at aerial
3 photographs of the Sauer Dump and confirmed the
4 location where waste from Rob Tyler, Inc.,
5 customers was dumped. When you use the word
6 confirmed there, can you explain to me how you
7 used the aerial photograph to confirm those
8 things?

9 A. I used that there Lombard Street,
10 that's in there now, as to where Sauer's was
11 dumping at, and where Rob was dumping.

12 Q. Did the photograph that you looked at
13 have Lombard Street on it?

14 A. I'm not sure about that.

15 Q. You don't recall if that photograph had
16 Lombard Street on it?

17 A. No.

18 Q. Is it possible for you to remember now
19 how you used the photograph to confirm the things
20 stated in your affidavit? Do you have any
21 recollection today how you used the photograph?

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GM 000676

1 It seems to me if it's difficult for you to
2 remember if there was Lombard Street on it, it
3 might be difficult for you to remember how you
4 confirmed anything using the photograph.

5 A. I thought that street was on the
6 photograph that I saw. I could be wrong about it.

7 Q. I take it your recollection isn't too
8 clear about that photograph?

9 A. No, no, it's not.

10 Q. And I take it that you can't really
11 recall right now how you used the photograph to
12 confirm dumping areas?

13 A. I guess I'm not sure about that. I'd
14 have to see that photograph.

15 Q. You'd have to see it to be able to
16 remember how you used it to confirm anything?

17 A. Uh-huh.

18 Q. Do you recall measuring anything on the
19 photograph, measuring any distances?

20 A. No.

21 Q. Did Gwen Walsh or anyone else measure

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SINCE 1908

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GM 000677

1 distances on the photograph?

2 A. Not that I recall.

3 Q. Do you know Larry Jendras?

4 A. Yes, I do.

5 Q. Can you tell me how you know him?

6 A. He hauled for Rob Tyler.

7 Q. Did you know him for many years?

8 A. Well, ever since I've worked there.

9 Q. Have you -- was he working when you
10 started?

11 A. Yes.

12 Q. Have you talked to him recently?

13 A. No.

14 Q. Can you tell me roughly when the last
15 time was that you talked to him?

16 A. Maybe 10 years ago.

17 Q. Do you consider him an honest and
18 truthful person?

19 A. Yes, I do.

20 Q. Have you ever known him to say anything
21 that wasn't true?

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SINCE 1938

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JM

000678

1 A. No.

2 Q. Did he come to Sauer's Dump when you
3 were working there?

4 A. Yes.

5 Q. Where did he dump?

6 A. Where Rob Tyler's trucks dumped at.

7 Q. On every occasion that he came to the
8 dump?

9 A. Yeah, the best I can remember.

10 Q. Is it possible that some of the
11 drivers, some of the Rob Tyler drivers, were
12 dumping in other areas at times that you weren't
13 aware of?

14 A. No.

15 Q. That's not possible?

16 A. Because it was -- they were all told to
17 dump where I was at.

18 Q. And it's not possible that they could
19 have gone other places some of the time?

20 A. If they did, they did it before I got
21 there in the mornings.

*Jendras
used the
Tyler area
only*

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SINCE 1968

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GM 000679

1 Q. And you got there at 7:30?

2 A. Yes.

3 Q. Do you know how often the drivers might
4 have gone to the dump before you got there in the
5 morning?

6 A. If you count their load, you could
7 count the loads that were there before I got there
8 and there was usually maybe one or maybe two
9 dumpster loads.

10 Q. How could you count them?

11 A. Count the piles of trash.

12 Q. Where would those piles be?

13 A. Right in front of where I was pushing.

14 Q. So they would come in and leave a load
15 at the edge of the trench --

16 A. Yes.

17 Q. -- that you worked?

18 A. Yes, sir.

19 Q. And that's how you would know that they
20 had been there?

21 A. Yes.

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SINCE 1926

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GM 000680

1 Q. In a situation like that, they would
2 have been dumping at the trench rather than
3 somewhere else at the landfill?

4 A. Yeah.

5 Q. So you don't know of -- so that still
6 doesn't suggest any situation where they would
7 have dumped somewhere other than the trench?

8 A. No.

9 Q. It's not possible that sometimes you
10 would be down in the trench and they would go
11 somewhere else?

12 A. No, not likely.

13 Q. It's not possible that for some reason,
14 the Sauer people would direct them somewhere else?

15 MR. RYAN: You can ask if he knows
16 about that, but he obviously can't know --
17 anything is theoretically possible.

18 Q. You think that's -- you think that's
19 not possible, that those things were happening?

20 A. I don't think so, no.

21 Q. We asked you before about picking up

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GM

000681

1 tickets and I believe you said that Tyler's
2 drivers did not have to get tickets from Sauer's
3 and other drivers did?

4 A. Yeah.

5 Q. Earlier we spoke to Larry Jendras and
6 he testified under oath that he did pick up
7 tickets. Let me read a portion of his testimony
8 to you. "Mr. Sauer, did he have an office or
9 building?

10 "Answer: He had a little office
11 between the cars and the road coming up the other
12 way and you normally stopped there and you got
13 your ticket.

14 "Question: Is that right here where
15 the two roads that came in right where they
16 joined?

17 "Answer: They almost joined.

18 "Question: He had a little office
19 there?

20 "Answer: A small place, yes.

21 "Question: And what would happen when

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GM 000682

1 you drive there, is that where you --

2 "Answer: You stop and get the ticket
3 and he points you in the right direction to
4 dump." Does that sound like he's picking up a
5 ticket?

6 MR. RYAN: Are we talking only about
7 the time when Mr. Smith was at the dump? Is there
8 anything that ties that to that four-month
9 period?

10 MR. GRUMMER: I believe he's testified
11 when he went to the landfill and I believe
12 elsewhere he only went to the landfill during this
13 brief period. We would have to probably go
14 through this transcript to be certain of that.

15 A. Well, I can't be sure that he was
16 picking up a ticket. I mean, I don't know.

17 Q. Do you know if he went to the landfill
18 at times other than the three- or four-month
19 period?

20 A. No. If he did, I mean, I didn't know
21 it.

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GM 000683

1 Q. I'm looking at another portion of Mr.
2 Jendras' testimony and without reading it, it
3 appears that he's talking about the three-month
4 period, looking at page 22. I'll read a portion
5 of the transcript.

6 "Question: When that closed where
7 would they take their waste?

8 "Answer: To the only place open, Sauer
9 landfill on the east side of town.

10 "Question: When you started hauling to
11 Sauer landfill, did you get a dump ticket?

12 "Answer: Yes, we got one, it was not a
13 weight ticket or when you brought a load in I
14 don't know what the process of weight was, but
15 when you came in he wrote you a load ticket."

16 MR. RYAN: I don't know without going
17 through Mr. Jendras' whole statement whether he's
18 just talking about that four-month period, but I
19 think Mr. Smith has testified that he doesn't
20 think Mr. Jendras got a ticket. I'm not sure what
21 the question is.

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SINCE 1906

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GM 000684

1 Q. Do you have any explanation why Mr.
2 Jendras would have been saying that he picked up a
3 ticket when it's your recollection that they
4 didn't pick up tickets?

5 A. Well, I didn't think that they got
6 tickets, but, he did. I don't know.

7 Q. Does this suggest to you that your
8 recollection might be incorrect?

9 A. No.

10 Q. Do you think he's saying something that
11 isn't correct?

12 MR. RYAN: Once again, we haven't gone
13 through that statement to say that really what Mr.
14 Jendras is stating is something different than
15 what Mr. Smith said. I think it's unfair to
16 question him about it without knowing what Mr.
17 Jendras said. He can testify what he thought
18 happened and his only recollection and if Mr.
19 Jendras has a different recollection, that's --

20 MR. GRUMMER: I understand that, but
21 I'm pretty sure if we looked at this in the

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GM 000685

1 overview it would be quite clear that Mr. Jendras
2 was talking about about the three or four-month
3 period and I'm asking Mr. Smith if he can give me
4 any explanation where he believes that the Tyler's
5 drivers did not pick up tickets and Mr. Jendras
6 testified that he did pick up a ticket. So my
7 question is, can you think of any explanation for
8 that?

9 A. The only explanation I can think of is
10 Larry Jendras was an owner/operator. He had his
11 own truck.

12 Q. Do you know that that made a difference
13 or are you just guessing that it might make a
14 difference?

15 A. I don't know, I don't know if it made a
16 difference or not.

17 Q. Was Andrew Ragsdale a subcontractor?

18 A. No.

19 Q. Did he own his own truck?

20 A. No, he didn't.

21 Q. We also asked Mr. Jendras where he

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GM 000686

1 dumped. And for the same reason I want to read
2 you a portion of his testimony on that subject.

3 "Question: When you dumped did you
4 always dump in the same location?

5 "Answer: Not necessarily, it could
6 have been anywhere in that area. It could be on
7 the right side or left side, all the way back,
8 depending mostly on the weather. If it was too
9 wet or too bad to get back that far they would
10 dump up this way a bit closer."

11 Now, I believe Mr. Jendras at the time
12 he was testifying was looking at a photograph
13 which we did not mark. So we don't know exactly
14 what he was pointing at. And continuing,

15 "Question: When you drive in
16 oftentimes would you have to drive in four or five
17 hundred yards before you dump?

18 "Answer: Yes, yes, sure.

19 "Question: Do you ever remember
20 dumping up in and around the baseball diamond at
21 Patterson High School?

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GM

000687

1 "Answer: Yes. I didn't remember it
2 being a baseball diamond. It wasn't that clear
3 because of the added growth, but it wound up we
4 was pretty close to the building there, I mean, to
5 the field." That was on page 34. A bit later on
6 page 36 there was the following:

7 "Question: Did you dump both on the
8 south and north side of Lombard Street? Lombard
9 Street was not there at the time?

10 "Answer: It was not there.

11 "Question: You dumped on what would be
12 north and south of Lombard Street?

13 "Answer: Yes."

14 Mr. Jendras appears to be testifying
15 that he dumped in many places and on both sides of
16 what is now Lombard Street?

17 A. I mean, if he did, he did it in the
18 morning before I came to work. That's the only
19 explanation that I can have for it.

20 Q. Is that speculation on your part or do
21 you know, in fact, that he came in the morning and

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GM 000688

1 dumped other places?

2 A. I don't know for a fact that he did,
3 no.

4 Q. Do you have any evidence or information
5 that he did or are you simply suggesting that
6 that's a possibility?

7 A. That's a possibility. That's all I can
8 say because --

9 Q. I take it that sometimes when you came
10 in in the morning, there would be loads dumped at
11 the edge of the trench ready to be pushed in?

12 A. Yes, yes.

13 Q. It does not sound to me like Larry
14 Jendras is describing any situation like that,
15 however. Does it sound like it to you?

16 MR. RYAN: It's hard to read what Mr.
17 Jendras is saying. I don't know. I don't think
18 we want this witness to speculate what Mr. Jendras
19 might have been thinking.

20 Q. Larry Jendras does not mention a
21 trench, does he?

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GM 000689

1 MR. RYAN: Not in what you read. Give
2 the witness a chance to read the statement. It's
3 hard for him to answer that question.

4 Q. Do you know Andrew Ragsdale?

5 A. Yeah.

6 Q. How long have you known him?

7 A. Ever since I've worked there.

8 Q. He was working when you started?

9 A. Yeah.

10 Q. When was the last time you talked to
11 him, approximately?

12 A. About the same time, I guess.

13 Q. You have not talked to either Larry
14 Jendras or Andrew Ragsdale in the last three
15 years?

16 A. No.

17 Q. Did you consider him to a truthful and
18 honest person?

19 A. I thought so, yeah.

20 Q. And he was not a subcontractor?

21 A. No.

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SINCE 1928

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GM 000690

1 Q. Let me rephrase that question. As I
2 understand it, Jendras was a subcontractor and
3 that he owned his own truck and Andrew Ragsdale
4 was not a subcontractor and did not own his own
5 truck?

6 A. That's right.

7 Q. And both were Rob Tyler drivers?

8 A. Yes.

9 Q. Again, when we spoke to Mr. Ragsdale he
10 testified that he picked up a ticket at Sauer's
11 Dump. It would take a review of the transcript to
12 make this clear, but I believe he testified that
13 he only went there during the three- or four-month
14 period. But he was asked the following:

15 "Question: When you drove in, how did
16 you get into the Sauer Dump?

17 "Answer: You come up -- I used to come
18 up, you could come off North Point Road or Kane
19 Street, either way you come up there, I used to
20 come up North Point Boulevard and make a right
21 into that little shack.

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GM 000691

1 "Question: What did they do at the
2 shack?

3 "Answer: Give you a ticket"

4 "Question: You would get a ticket each
5 time you came?

6 "Answer: Yes, it wasn't no scale
7 ticket.

8 "Question: What would you do with the
9 ticket?

10 "Answer: Turn it into the dispatcher
11 at the end of the day."

12 Do you have any explanation for why
13 Andrew Ragsdale would be testifying that he picked
14 up a ticket?

15 MR. RYAN: Once again, and I'm sure at
16 the same period Mr. Smith was working there, but
17 if you can get as to what Mr. Ragsdale was talking
18 about, go ahead.

19 Q. Do you know what he was talking about?

20 A. (Shaking head indicating no.)

21 MR. RYAN: Give a verbal answer.

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GM 000692

1 A. I don't know if he had to pick up a
2 ticket or not.

3 Q. Do you have any reason to believe he
4 was testifying incorrectly or inaccurately?

5 A. No, not really.

6 Q. Do you know of any reason why he would
7 do that?

8 A. (Shaking head indicating no.)

9 Q. He also testified about the areas where
10 he dumped. He was asked:

11 "Question: Once you get to the shack is
12 that where they directed you to go?

13 "Answer: Right.

14 "Question: Did you ever dump back in
15 the area of Patterson High School?

16 "Answer: Yes.

17 "Question: When you dumped in the area
18 of Patterson High School, was there any particular
19 landmarks or features back there that make you
20 remember that it was back there?

21 "Answer: Uh-huh, yes, they had plum

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GM 000693

1 trees up there back against the --

2 "Question: You would dump back behind
3 the plum trees?

4 "Answer: Yes.

5 "Question: The plum trees were located
6 near the fence?

7 "Answer: Yes."

8 Does that sound like he was dumping in
9 the trench you described?

10 A. No, it don't, and that's why I don't
11 understand why he has done this because the four
12 months that I was there, the trucks, Rob Tyler's
13 trucks, was supposed to dump where I was at and
14 not anyplace else.

15 Q. Does this cause you to doubt that all
16 of them were -- does this raise any question in
17 your mind whether all of them were dumping in the
18 trench?

19 A. They all were dumping in the trench
20 when I was there, but, now --

21 Q. And your affidavit suggests that you

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GM 000694

1 were there almost all of the time?

2 A. All the time.

3 MR. RYAN: During that four-month
4 period.

5 Q. During that four-month period. I
6 simply find it hard to understand how to reconcile
7 what they are testifying to with what you are
8 describing.

9 MR. RYAN: I can understand you might
10 have trouble reconciling, Mark, but it's not his
11 job. He gave his knowledge of what he saw
12 happened and that's all he can testify about. He
13 can't reconcile it for you either. You have asked
14 him if this man has any reason to believe these
15 witnesses are lying. He said, no.

16 MR. GRIMMER: Because this is an
17 important issue, I want to explore every
18 possibility.

19 MR. RYAN: I think you have done that.

20 MR. GRUMMER: We are learning the facts
21 that relate to this, and given the difficulty of

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GM 000695

1 sometimes asking the right question, I'm simply
2 trying to ask the question from every angle to see
3 if there is any way that these two widely varying
4 accounts would be reconciled and I take it the
5 answer is that Mr. Smith doesn't know any way to
6 reconcile them.

7 Q. Mr. Smith --

8 A. No, I don't. I truthfully don't know.

9 Q. I take it you have no reason to believe
10 that they are lying or incorrect or is there
11 anything that you know about them or the situation
12 that would suggest that?

13 A. I don't know why they would say that
14 unless they was there way early in the morning
15 before anybody else was there, but I don't see how
16 that could have happened.

17 Q. You don't see how that could have
18 happened?

19 A. With them coming up on North Point
20 Street and dump and came back out and nobody know
21 it.

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GM 000696

1 Q. Is it possible that they did that?

2 A. It's possible.

3 Q. Do you have any information that that
4 happened?

5 A. No, I do not.

6 Q. In the last paragraph of your
7 affidavit, you state that there is no doubt in my
8 mind all the waste from Rob Tyler, Inc., customers
9 dumped while I was present, was dumped in the area
10 that I was allowed to work in. Is there still no
11 doubt in your mind?

12 A. Yeah.

13 Q. I'm afraid I have a hard time
14 understanding that, but --

15 A. Well, all the time that I was there
16 when any of Rob Tyler's trucks came in, they
17 dumped right where I was working at.

18 Q. Mr. Smith, it sounds like you were a
19 very busy man and worked very hard and worked long
20 hours and spent part of the time in a trench and
21 driving a piece of heavy equipment.

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GM 000697

1 A. When you was down in the trench with
2 that heavy equipment, I could see out. And I
3 could see everything that went by.

4 Q. You feel that you saw everything that
5 went by?

6 A. Yeah, yeah.

7 Q. Twelve and a half hours a day, six days
8 a week for four months?

9 A. (Nodding head indicating yes.)

10 Q. And you never missed anything?

11 A. (Nodding head.)

12 Q. You are indicating no?

13 A. I'm indicating, no.

14 Q. You believe you saw every truck that
15 went by?

16 A. Yeah, every one that Rob Tyler's
17 trucks, yes, sir.

18 Q. You don't think you could have even
19 missed one?

20 A. Those Rob Tyler trucks were blue and
21 the others ones were different colors.

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GM 000698

1 Q. You don't think you ever missed Larry
2 Jendras or Andy Ragsdale going by?

3 A. No, because Ragsdale had a big truck
4 and Larry Jendras had a little 10 yard Dumpster.

5 Q. I think we asked you before how deep
6 the trench was and my recollection was that you
7 said 20 feet?

8 A. Yes.

9 Q. Can you think of any other individuals
10 that were at the dump during the period that you
11 were there that might recall things about what
12 went on there?

13 MR. RYAN: Including drivers?

14 Q. Including drivers, can you, in addition
15 to Jendras and Ragsdale, can you remember any
16 other drivers that came to the dump for anybody?

17 A. Yeah, but this guy is dead now, Earl
18 Boswell.

19 Q. Can you think of anyone who is still
20 alive or might still be alive?

21 A. I'm not sure if they are alive or not.

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GM 000699

1 but there was Willie Edmonds and Charlie Booker, I
2 know he's dead, and Weldon Grier and George
3 Lambert, he's dead.

4 Q. Are these people Tyler employees?

5 A. Yep.

6 Q. Before we asked you about Bohager, and
7 I believe you testified that Bohager drivers were
8 at the dump, I can't remember if we asked you if
9 you remembered any of their names.

10 A. There's only one that I remember, but I
11 don't remember his last name.

12 Q. That's right. Ham?

13 A. (Nodding head indicating yes.)

14 Q. Did any of the Bohager family ever come
15 to Sauer's Dump while you were there?

16 A. That I don't know.

17 Q. Did George Gephardt ever come to
18 Sauer's Dump?

19 A. Yes.

20 Q. What did he do there?

21 A. He didn't do anything. He was -- he

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GM 000700

1 just come over to see if I was all right.

2 Q. He never worked there?

3 A. No.

4 MR. GRUMMER: Off the record.

5 (Discussion off the record.)

6 Q. Do you recall anything about American
7 Cooperage dumping at Sauer's?

8 A. No, only Mike Cefaloni hauled in.

9 Q. Can you tell us what you remember?

10 A. That it was just drums, empty drums,
11 and they just dumped them off of the truck.

12 Q. This was drums from American Cooperage?

13 A. I don't know whether I should say it
14 was from American Cooperage or not because it's
15 been a long time and I could be wrong about it,
16 but I do know they hauled them in there.

17 Q. When you say they -- who is they?

18 A. Fritz Sauer.

19 Q. And you say you know Fritz Sauer hauled
20 drums from American Cooperage?

21 A. I would say that's where they come

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GM 000701

1 from, but I might be wrong.

2 Q. Can you explain to us what makes you
3 think or makes it seem likely that they were from
4 American Cooperage?

5 A. They could have been from some other
6 drum place. I'm not too familiar with those drum
7 places in Baltimore.

8 Q. Do you have any information that
9 American Cooperage had an arrangement with
10 Sauer's?

11 A. No.

12 Q. Do you know if Sauer's hauled American
13 Cooperage's drums?

14 A. I'm not sure on that, but I know that
15 they -- that drums come in there.

16 Q. Drums came into Sauer's Dump from
17 American Cooperage or are you saying that the
18 drums of various kinds came in Sauer's?

19 A. Yeah, yeah.

20 MR. GRUMMER: Off the record.

21 (Discussion off the record.)

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GM 000702

1 MR. GRUMMER: That's all I have for the
2 moment.

3 EXAMINATION BY MR. GUTTER:

4 Q. Mr. Smith, my name is Sam Gutter. I
5 represent AT&T and I only have a few questions for
6 you. When you worked at Sauer's Dump, who owned
7 the dozer that you were driving?

8 A. Rob Tyler.

9 Q. Was it leased to Sauer or did Rob Tyler
10 own it the whole time?

11 A. Rob Tyler owned it the whole time.

12 Q. Who paid your salary during that
13 period?

14 A. Rob Tyler.

15 Q. You mentioned that George Gephardt came
16 by once or twice to check on you. Do you recall
17 anybody else from Rob Tyler coming in during your
18 period at the landfill?

19 A. Allie Tyler used to come in there once
20 in a while, you know, but nothing specific as to
21 what he was doing there; he just -- if he was in

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GM 000703

1 the area, he'd stop in to see me.

2 Q. Do you know where George Gephardt is
3 now?

4 A. He lives over in Rosedale, I think.

5 Q. When was the last time you saw him?

6 A. About two years ago, I guess.

7 Q. Do you know if he's retired or still
8 works?

9 A. I don't know if he's retired or not.

10 Q. Had he worked for BFI after BFI
11 purchased Rob Tyler?

12 A. Yes.

13 Q. In your affidavit, you discussed your
14 recollection that wire from Western Electric
15 Company came to Sauer's Dump, is that correct?

16 A. Yes.

17 Q. Tell me what the wire looked like.

18 A. It was big bails of wire. It was steel
19 wire, copper-coated and covered with rubber.

20 Q. What color was the rubber coating?

21 A. Black.

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JM 000704

1 Q. How far away from this wire did you get
2 to see it, how far away from it were you when you
3 saw it?

4 A. Well, I would have been right up close
5 to it.

6 Q. When would that have been?

7 A. I don't know. I don't recall what time
8 that was.

9 Q. I mean, you testified earlier that you
10 virtually never got off your bulldozer at the time
11 you worked at the landfill, is that right?

12 A. Yeah.

13 Q. But yet you got up close to the wire?

14 A. (Nodding head indicating yes), yeah.

15 Q. Why would that have been?

16 A. Well, I seen it -- I've seen it dumped
17 at Rob Tyler's 68th Street and then it went to
18 Sauer's when 68th Street closed up.

19 Q. Who was taking it to Rob Tyler's on
20 68th Street?

21 A. I think at the time Mike Cefaloni was

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GM 000705

1 dumping some of it.

2 Q. What kind of a truck did it come in on
3 at 68th Street?

4 A. Open-top dump truck or -- yeah,
5 open-top dump truck.

6 Q. Whose was that dump truck?

7 A. It was Sauer's.

8 Q. Mike Cefaloni was the driver?

9 A. Yeah.

10 Q. Was he the only one that you saw
11 driving that truck?

12 A. That particular truck, yeah.

13 Q. Was he the only one that you saw
14 driving a truck that contained that wire?

15 A. At that particular time, yeah.

16 Q. So when you said you were up close to
17 the wire, did you mean at 68th Street?

18 A. 68th Street and then I seen it over at
19 Sauer's, too.

20 Q. Were you that close to it at Sauer's?

21 A. Yeah, I could see it across.

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GM 000706

1 Q. I know you could see it, but were you
2 close to it?

3 A. Oh, not that close. I mean, within 100
4 yards, I guess.

5 Q. From 100 yards, could you tell that it
6 was copper-coated steel wire or are you just
7 remembering that from 68th Street?

8 A. You could tell it was copper-coated
9 steel because you could see -- people used to
10 think it was copper and they would start trying to
11 carry it out and I would tell them that's not
12 copper wire, it's just copper-coated.

13 Q. Did that happen at 68th Street or at
14 Sauer's Dump?

15 A. At Sauer's Dump and 68th Street.

16 Q. Who was trying to carry it out of
17 Sauer's Dump?

18 A. The private owners come in and dump
19 trash.

20 Q. And you saw that happening?

21 A. Yeah.

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GM 000707

1 Q. Do you know who that was who was trying
2 to carry it out?

3 A. No, I don't know their names.

4 Q. How thick was this wire?

5 A. Ever how thick telephone wire is, about
6 that size.

7 Q. There are all sorts of wire that gets
8 used in telephones. Are you talking about
9 receiver wire, the big coil?

10 A. The one strand of wire.

11 Q. One strand of wire?

12 A. (Nodding head indicating yes.)

13 Q. Very thin?

14 A. Yeah.

15 Q. And it was all black?

16 A. The coating around it was black.

17 Q. Never in any colors?

18 A. No, I didn't see any colors.

19 Q. When you say it came in in bales, what
20 do you mean?

21 A. They had baled it up and put bands

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GM 000708

1 around.

2 Q. What size were the bales?

3 A. I don't know. I guess they would weigh
4 100 pound or better.

5 Q. Bigger than a one-foot cube?

6 A. Oh, yeah.

7 Q. Bigger than a three-foot cube?

8 A. Yeah, they was almost as tall as I am.

9 Q. When you saw it at Sauer's from a
10 distance you saw the black insulation, is that
11 right?

12 A. That's right.

13 Q. Is that all you saw?

14 A. That's all.

15 Q. You talked of an individual earlier
16 named Ray. Is that the person identified in
17 paragraph 15 of your affidavit as Chevrolet Ray?

18 A. Yes.

19 Q. Do you recall how often you saw
20 Chevrolet Ray bring in drums of what you described
21 as paint thinner to the landfill, Sauer's

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GM 000709

1 landfill?

2 A. Well, it was every day and sometimes
3 twice a day.

4 Q. How many drums in a load?

5 A. I don't really know.

6 Q. More than half a dozen?

7 A. Yeah, maybe like, I don't know, eight
8 or 10.

9 Q. What type of truck was that?

10 A. It was a blue Chevrolet truck.

11 Q. Flatbed?

12 A. No, dump truck.

13 Q. How big a dump truck?

14 A. Single axle.

15 Q. So would that make it, maybe, a one
16 ton?

17 A. I would say, or a ton and a half.

18 Q. Was it usually full with drums when you
19 saw it?

20 A. Yeah.

21 Q. Do you know if all of the drums had

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GM000710

1 liquids in them?

2 A. No, some drums had that heavy stuff in
3 it.

4 Q. Sludge?

5 A. Yeah, I'll call it sludge, yeah.

6 Q. Did he ever bring empty drums in that
7 you saw?

8 A. You mean to dump?

9 Q. Yes.

10 A. No, they all -- the drums he brought in
11 sometimes he would dump them all off, which they
12 usually had stuff in it that they didn't dump out.

13 Q. What would happen then?

14 A. Push them over and bury them and smash
15 them up.

16 Q. So you did see him dump some full
17 drums?

18 A. Yeah.

19 MR. GRUMMER: I don't think he said
20 anything about full.

21 MR. GUTTER: You are correct.

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GM 000711

1 A. Well, they had stuff in them. I would
2 say maybe half full.

3 Q. Did you see him bring drums with
4 material in six days a week when you were there
5 six days a week?

6 A. No, because it was usually five days a
7 week. He didn't work on Saturday.

8 Q. Did you know Chevrolet Ray?

9 A. Yes, I did.

10 Q. Did you know where he worked?

11 A. Yes, I did.

12 Q. Where was that?

13 A. At General Motors.

14 Q. Do you know where the materials on the
15 drums came from?

16 A. I presume General Motors.

17 MR. GUTTER: No other questions.

18 EXAMINATION BY MR. BYRD:

19 Q. You indicated that you saw Mr. Gephardt
20 a couple of years ago?

21 A. Yes.

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GM 000712

1 Q. Was that in Rosedale where he lives?

2 A. No, that was where he was working at
3 over at Back River Sewage Plant.

4 Q. Is that where he works now?

5 A. That's where he was, if he hasn't
6 retired.

7 Q. How old a man would he be now?

8 A. About 60 or 61, I think. He's a few
9 years younger than I am.

10 Q. How many times would you say he came to
11 Sauer's Dump during the time that you were working
12 there?

13 A. I really couldn't say because I can't
14 remember that.

15 Q. Would you say like maybe a handful of
16 times as opposed to several?

17 A. Maybe once a week.

18 Q. And what were his activities when he
19 would come there?

20 A. Just to check on me and see if
21 everything was going all right.

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GM 000713

1 Q. Did he ever have any discussions with
2 you where Tyler would dump its loads at the site?

3 A. No.

4 Q. Can you give us an idea, I know this
5 was discussed before, but to the best of your
6 recollection, at what point did the trench fill
7 up?

8 A. I don't remember.

9 Q. Do you have a recollection of once the
10 trench had filled up, what decision was made as to
11 what to do with the Tyler garbage?

12 A. As best I can remember, when the trench
13 was filled up, I thought we went right and dumped
14 down to Norris Farm.

15 Q. So you said Norris' Farm was open at
16 the time that the trench was filled up?

17 A. I am thinking so, yeah.

18 Q. You indicated earlier that although
19 Tyler used Rosedale when it was opened, some of
20 the trash did go to Sauer's, is that right?

21 A. Yeah.

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GM 000714

1 Q. This was before '68, '69?

2 A. Yeah, the drivers would jump in there
3 and dump some.

4 Q. And that was because of location?

5 A. Yeah, because they could run in there
6 to Sauer's and dump a load if it was getting kind
7 of late and then they didn't have to come in on
8 68th Street and drive all the way across the
9 landfill to get over there to dump it.

10 Q. Was that some kind of informal
11 arrangement that Rob Tyler had with Sauer?

12 A. Yeah.

13 Q. Can you tell us how frequently that was
14 done? Was it an hourly, daily, how often that was
15 done?

16 A. Well, I have no idea how often the
17 drivers would do that.

18 Q. How would you find out about that?

19 A. They would -- the driver would tell.

20 Q. How often would they tell you?

21 A. Oh, maybe they wouldn't tell me but one

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GM 000715

1 time that they would do that.

2 Q. But you had some knowledge that they
3 were doing it on a regular basis?

4 A. Yeah, and then sometimes they would
5 dump on one of the other fields and some in empty.

6 Q. What other fields?

7 A. That Rob Tyler had over at Quarantine
8 Road.

9 Q. Do you know whereabouts in the Sauer
10 Dump they would be dumping at when they said they
11 dumped at Sauer's?

12 A. No.

13 Q. So it could have been south side or
14 north side of Bayview Avenue?

15 A. Wherever they were dumping at.

16 Q. You don't have any knowledge of exactly
17 where on the Sauer's site they were dumping?

18 A. No.

19 Q. You said that before you worked for Rob
20 Tyler, you were doing farming work?

21 A. Uh-huh.

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GM 000716

1 Q. Was that up until 1964?

2 A. Yeah.

3 Q. So 1964 is your first year with Rob
4 Tyler?

5 A. Yes, sir.

6 Q. And from '64 until the time you went to
7 Sauer, you were working exclusively at Rosedale?

8 A. Right. There were two bulldozers
9 operating during that time?

10 A. Yes.

11 Q. And Gephardt was operating the other
12 bulldozer?

13 A. Yes.

14 Q. During that time did you ever have any
15 bulldozer operators?

16 A. No.

17 Q. During the time that you worked at
18 Sauer's Dump, did you ever miss a day for
19 vacation, illness or anything else?

20 A. No.

21 Q. You were there every day except for the

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GM 000717

1 day off that you had?

2 A. Uh-huh.

3 Q. During that time, were there any other
4 days when there was another bulldozer operator on
5 other than you?

6 A. No.

7 Q. When you came to work in the morning,
8 did you ever recall seeing piles of garbage or
9 loads of garbage dumped on the south side, waiting
10 for burial on the Sauer side of the dump?

11 A. No, I don't.

12 Q. You indicated that the trench at
13 Sauer's Dump was 100 feet long and 20 feet deep.
14 How wide was it?

15 A. I don't know.

16 Q. Do you have an estimate, roughly?

17 A. I'd say 30 feet wide.

18 MR. BYRD: I don't have any other
19 questions.

20 EXAMINATION BY MR. GRUMMER:

21 Q. When you were describing Chevrolet Ray,

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GM000718

1 Sam asked you some question which in response you
2 described drums being left there. Earlier, I
3 asked you about paragraph 15 of your affidavit
4 which says, Ray would take back the drums and I
5 think I asked a few questions to try and find out
6 whether you were certain that he took back all of
7 the drums and I think you said that he did take
8 back all of the drums. Can you remember which is
9 correct, did he take them back or did he leave
10 them there?

11 A. Yes, once in a while he would have
12 drums that he couldn't empty out. There was solid
13 in them and he couldn't get it to come out and
14 then he would leave the whole drum, leave them all
15 there.

16 Q. Sam Gutter was asking you some *QW*
17 questions about the wire from Western Electric.
18 And I believe at one point he asked you if all you
19 could see was black insulation and I think you
20 said, yes. Is it possible that those bales
21 contained just insulation?

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GM 000719

1 A. No.

2 Q. How do you know that?

3 A. No, you could see it get hooked in
4 Sauer's dozer track and he'd track it back all the
5 way across the dump.

6 Q. Did you see that happen?

7 A. Yeah.

8 Q. More than once?

9 A. (Nodding head indicating yes), yes.

10 Q. And you were certain that that was
11 Western Electric's wire hooked in Sauer's dozer?

12 A. Yes, because we used to clean it on the
13 backside of the field and he'd get me to hook a
14 chain on it and pull it until it would break out
15 of his track.

16 Q. At that point, would you get a good
17 look at it?

18 A. Yes.

19 Q. What did it look like?

20 A. Steel wire with rubber insulation
21 around it.

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GM 000720

1 Q. Did you actually touch it when that
2 happened?

3 A. Uh-huh.

4 MR. RYAN: Say yes or no.

5 A. Yes.

6 Q. At that point, could you see what was
7 inside the insulation?

8 A. Yes.

9 Q. What was that?

10 A. Copper-coated steel wire.

11 Q. Sauer's complain, Fritz Sauer complain,
12 about that happening?

13 A. No.

14 Q. It just happened?

15 A. It just happened.

16 MR. GRUMMER: I don't have any other
17 questions.

18 (Examination concluded.)

19

20

21

Edgar Smith

EDGAR SMITH

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GM 000721

I N D E X O F W I T N E S S E SWitnessPage

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BY MR. GRUMMER

3

BY MR. GUTTER

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BY MR. BYRD

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BY MR. GRUMMER

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GM 000722

1 STATE OF MARYLAND

2 SS:

3 I, Monna J. McCormick, a Notary Public of the
4 State of Maryland, do hereby certify that the within
5 named, EDGAR SMITH, personally appeared before
6 me at the time and place herein set out, and after having
7 been duly sworn by me, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and this transcript is
10 a true record of the proceedings.

11 I further certify that the stipulation contained
12 herein was entered into by counsel in my presence.

13 I further certify that on June 4, 1991, a carbon
14 copy and original signature page were sent to counsel.
15 On July 5, 1991, the signature page was returned to our
16 office signed, subject to the attached signed errata
17 sheet.

18 I further certify that I am not of counsel to
19 any of the parties, nor an employee of counsel, nor
20 related to any of the parties, nor in any way interested
21 in the outcome of this action.

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G M000723

1 As witness my hand and notarial seal this
2 5th day of July, 1991.

3 Monna J. McCormick
4 Notary Public

5 My Commission Expires November 1, 1993
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GM 000724

ERRATA SHEET

June 25, 1991
Date

I do not wish to make any changes or corrections to my deposition.

OR

Witness' signature

I wish to make the following changes for the following reasons:

Page Line

3 15

CHANGE

2072 Nelson Mill Rd

REASON

wrong street #

CHANGE

REASON

CHANGE

REASON

CHANGE

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CHANGE

REASON

CHANGE

REASON

CHANGE

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REASON

CHANGE

REASON

GM 000725

Edgar Smith

Witness' Signature

1 Q. Did you actually touch it when that
2 happened?

3 A. Uh-huh.

4 MR. RYAN: Say yes or no.

5 A. Yes.

6 Q. At that point, could you see what was
7 inside the insulation?

8 A. Yes.

9 Q. What was that?

10 A. Copper-coated steel wire.

11 Q. Sauer's complain, Fritz Sauer complain,
12 about that happening?

13 A. No.

14 Q. It just happened?

15 A. It just happened.

16 MR. GRUMMER: I don't have any other
17 questions.

18 (Examination concluded.)

19 -----

20



21

EDGAR SMITH

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GM 000726

1 STATE OF MARYLAND

2 SS:

3 I, Monna J. McCormick, a Notary Public of the
4 State of Maryland, do hereby certify that the within
5 named, EDGAR SMITH, personally appeared before
6 me at the time and place herein set out, and after having
7 been duly sworn by me, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and this transcript is
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15 On July 5, 1991, the signature page was returned to our
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17 sheet.

18 I further certify that I am not of counsel to
19 any of the parties, nor an employee of counsel, nor
20 related to any of the parties, nor in any way interested
21 in the outcome of this action.

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GM 000727

1 As witness my hand and notarial seal this
2 5th day of July, 1991.

3 Monna J. McCormick
4 Notary Public

5 My Commission Expires November 1, 1993
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GM

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ERRATA SHEET

June 25, 1991
Date

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OR

Witness' signature

I wish to make the following changes for the following reasons:

Page Line

<u>3</u>	<u>15</u>	CHANGE	<u>2072 Nelson Mill Rd</u>
		REASON	<u>wrong street #</u>
_____	_____	CHANGE	_____
		REASON	_____
_____	_____	CHANGE	_____
		REASON	_____
_____	_____	CHANGE	_____
		REASON	_____
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		REASON	_____
_____	_____	CHANGE	_____
		REASON	_____

GM 000729

Edgar Smith
Witness' Signature